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# ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD SERVICE ON THE CANADIAN PACIFIC RAILWAY

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# PROCEEDINGS

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Mr. Fraser

Rec'd June 7/57.

ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD SERVICE ON THE CANADIAN PACIFIC RAILWAY

Proceedings of public hearing held at Ottawa, Ontario, Thursday, June 6, 1957

PRESENT:

| | |
|---|---|
| Hon. R. L. Kellock, | Chairman |
| Hon. C. C. McLaurin, | Member |
| Hon. Jean Martineau, | Member |
| Douglas M. Fraser, | Secretary |
| A. R. Winship, | Asst. Secretary |

APPEARANCES:

| | |
|---|---|
| D. W. Mundell, Q.C.,<br>C. J. A. Hughes, Q.C., | Representing the Commission |
| I. D. Sinclair,<br>Allan Findlay, | Representing the Canadian Pacific Railway Company |
| David Lewis, | Representing the Brotherhood of Locomotive Firemen and Enginemen |

Thursday,
June 6, 1957.

49th DAY

MORNING SESSION

---The Commission resumed at 10.00 a.m.

D. D. LANCASTER, recalled.

EXAMINED BY MR. LEWIS:

Q At the time of adjournment yesterday, Mr. Lancaster, you were dealing with the manual operation of fans and shutters. I would like to ask you now whether in your experience you have had any particular kind of trouble with some of your diesels in which the firemen have been of assistance?

A Yes. More recently, as recent as commencing about June of last year, we have experienced a tremendous amount of trouble with stuck injectors. You will recall I mentioned that.

Q Yes, that is what you told me about.

A To free the injector it is necessary to remove the cover from the rocker arm on the top portion of the diesel engine itself. We have been instructed to take what tools we have and try to free them because they become stuck due to the varnish that is more or less prevalent in some diesel fuels. The combination of diesel fuels that the Santa Fe has purchased over the last year or so does not mix well and they have had quite an experience with these stuck injectors. In fact it is a very costly affair for the Santa Fe engines, I imagine.

Q What if anything has been done since June last by firemen to help the engines over the road?

A In most cases the firemen through working continually with the engines when they have trouble with injectors can manage to free them; in some cases they cannot. I know one case where the fireman was in the engineroom almost constantly on a three-unit passenger diesel clear across our 153-mile division and was not able to get more than one engine operating, and he also had the assistance of a road foreman of engines.

The engines, being of a similar nature, can give trouble either in passenger or in freight. There has been quite an experience with these injectors and I understand that from the very advent of the diesels they have had similar troubles in this accumulation of varnish, as it is called, on the injectors.

Q What has been the attitude of the management of the Santa Fe Railway toward firemen attempting to release these stuck injectors and helping the engine over the road or the train over the road?

A We have had instructions through our instruction car as to how to do this. To my knowledge I have seen a letter

written by our Master Mechanic P. A. Buckman to Fireman J. C. Boone. I believe the letter is dated February 11 of this year. It commends Fireman Buckman for being able to get the engines running.

Q You said Fireman Buckman, I thought Buckman was the Master Mechanic?

A Fireman Boone, excuse me. Maybe I should refer to my notes.

Q You said that Buckman wrote to Boone a letter commending him?

A For his capable handling of an engine that had injector trouble, diesel 429 on local runs 81 and 82, February 7 and 8. The letter states that considerable difficulty had been experienced in correcting injector trouble and he commends Fireman Boone for his work in handling the engine to the effect that they could handle a full tonnage train over their portion of the run. That would be an indication to me of the attitude of our mechanical people on this particular trouble we are having.

Q In addition to the manual operation of fans or shutters, or the manual adjustment of fans or shutters which you dealt with yesterday, and these stuck injectors, is there anything else in

your experience that firemen have been able to do on your trains in the way of inspection or adjustment?

A There is, especially on the 100 class that I referred to earlier. We have a mark on the radiator tank that shows the minimum cooling water level for the engine running in position 8, when it is under full throttle, and also a mark that shows the minimum water level with the engine idling. We cannot let this water go below the low reading for throttle position 8. In other words, the only way we can determine the level of that water is by being present while the engine is under full load.

All of our 100 class engines are so marked and a good portion of the other later models are so marked. I understand that there is a condition there if the water becomes too low it may not register properly and therefore pick up the alarm system or correct itself. In other words, by having the protective alarm set off by the overheated water.

Q Excuse me, is that what we have known as a hot engine alarm?

A That would be it. There have been cases where firemen have had experience

with engines running hot and in order to re-set the hot engine alarm it is necessary to get the water cool enough and the water must also be high enough to circulate by the mercury tube that indicates the temperature of the water, and thereby to re-set the hot engine alarm so that it will no longer ring.

Q Do your firemen have any duties preparatory to leaving terminals, any duties on the engine?

A They do. It is contained, not only in the examination for promotion but also in the first and second year examinations, and also it is contained in the rule in our operating rule book, that they will be prepared to depart and it defines what the checks are. Our examination for promotion to engineer goes further in defining the duties as outlined for the fireman-helper before departure.

Q You said there was a rule in your operating rules. I think you are referring to Rule 888, which I should like to read into the record. By the way, this is under heading "Enginemen and Firemen", which heading appears over Rule 885. Then there are a number of rules under that heading, one of which I think I read yesterday, Rule 893. I am

now going to read into the record Rule 888:

> "At the initial point they must be prepared to depart in accordance with instructions. They must know that their engine is furnished with fuel, water, tools, sand and other supplies and equipment, including signal appliances, in serviceable condition."

Mr. Lancaster, do you know whether there is any rule in your operating rules setting out that the brakeman, head-end or other brakeman, is required to make any checks on the engine, including a check of signal appliances?

A I am not familiar with the rule if it is in the book as such. I know that by practice we have followed this rule very closely in our operation, and the fireman or helper sees that we have the necessary flagging equipment for the head-end brakeman. There may be something that might define their duties in connection with the rear end or caboose, but to my knowledge there is nothing that covers them for the checking of equipment on the engine.

Q Have you at my request looked through

the rule book to see if you could find any reference to that?

A I have very hurriedly looked through the book, yes.

MR. LEWIS: To lay the basis for something that I may wish to suggest to the Commission, sometime next September, I imagine, I should like with your permission to read two or three of the rules in this book which appear under the heading "Train and Yard Service" and which deal with conductors, trainmen and yardmen. I will not read them all because there are quite a number of rules, but there is this second provision in Rule 815:

> "Conductors and engine foremen will instruct their brakemen and helpers as to their duties and caution them as to the dangers of their employment. They must also instruct them where to station themselves while the train is in motion, particularly on curves, so that they may be able to observe the condition of the equipment."

Then there is another paragraph still under that same rule:

> "Trainmen must inspect their trains frequently while running and when standing to detect hot journals, stuck brakes and other defects.

"They must observe meeting and passing trains to detect and call attention to anything that might endanger the operation of such trains, making stop signals if necessary."

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Then, rule 816:

"Trainmen and yardmen must take proper measures to thoroughly protect themselves, when working under or between cars, advising enginemen and entire crew that the cars on which they are working must not be moved until work is completed."

Then there are some rules in which conductors are mainly involved. There is rule 821:

"Brakemen and yardmen must occupy the post assigned to them, and immediately protect the train or cars when necessary, as provided in Rule 99, without waiting for signal or instructions to do so."

Interestingly enough, as I suggested yesterday, a look at some of these rules shows how close they are with the C.P.R. Rule 99 is in this rule book as in the C.P.R. rule book the flagging rule, and that is what the reference is there. The second paragraph of rule 821 reads:

"Employees must control or stop their train, or switch cut by hand brakes when necessary. Brakes should not be applied so tightly as to slide wheels, and on heavy grades they should be frequently changed from one car to another to avoid over-heating

the wheels."

Rule 822:

"It must be known that engines or cars standing on siding or other tracks are clear of main track and that nothing protrudes therefrom. They must be left clear of lead or adjacent tracks.

Inspect cars picked up and know that they are in condition to be handled."

BY MR. LEWIS:

Q Can you say, Mr. Lawrence, from your quick look through the rules -- Lancaster --

A Cross that out, if you will, please.

Q I pause to stop from saying what was on my tongue, Mr. Lancaster. From your cursory, quick glance through the rules are you in a position to say whether the rules I have read into the record with regard to trainmen and yardmen are or are not the rules specifically dealing with the duties of these classes of employees?

A They are. I think you will find they fall in the train and yard service category and also in the instructions to conductors.

Q Now, Mr. Lancaster, out of interest I should like to ask you to deal with a very few incidents which might assist the Commission to understand some of the workings on your

railroad. Do you recall an incident in which you yourself were the fireman? You informed me it happened, you thought, about 1943 at Paul Valley, Oklahoma?

A Yes, I do. We were -- in this instance we were working on -- I will call it a switcher so I will not have to define this local again that we have -- doing station switching at Pauls Valley, Oklahoma. I believe the run had a number but I don't recall it. I think it would be 41 and 42.

On this occasion we were backing out of the house track switch, one of the switches off of the main line, and there was a main street crossing to the rear of the engine. As we pulled out of the house track with our loads it would necessarily follow that the engineer was watching the two groundmen on his side or perhaps three.

There was no one at the rear of the engine and as we backed out I noticed a car approaching from my side of the engine. I hollered a warning to the engineer and a second warning was necessary before he applied the brakes in emergency. When we got stopped we had driven the rear drawbar of the engine into the portion right ahead of the front door of a late model car.

Q Late model in 1943?

A It would be around a 1940 model automobile, and in this car was a woman and her small child. She had stated to us following this accident that she was attracted or distracted by the crying of her baby and was in the process of trying to quiet the young one while still trying to progress across the crossing.

I think perhaps if I had not hollered when I did and we had not stopped, another foot or so of her movement or perhaps the driving with more force into her automobile might have injured she and the child too to a further extent. As I recall it, they were not either one very seriously injured. However, she was in a near state of shock due to the accident.

Q Now, there was a case involving fireman H. W. Hunter about which you know the details and would you please tell them to the Commission?

A Yes. This did not happen on the Oklahoma division but on the Plains division of the Santa Fe.

Q Where did you obtain this information?

A I obtained this information from our general committee where they keep such records.

Q From the files of the general committee?

A From the files of the Brotherhood.

MR. SINCLAIR: Of what?

MR. LEWIS: The general committee.

MR. SINCLAIR: Of the Brotherhood?

MR. LEWIS: Or the Brotherhood.

THE WITNESS: Fireman Hunter was involved with engineer B. W. Gray in an accident involving a yard engine at the junior yard in Amarillo, Texas. The date is September 27, 1950.

In this particular incident the yard engine had gone to No. 17 track to pick up eight loads to be switched on to No. 14 track. In pulling out of No. 17 track and when they reached a point in the vicinity of No. 11 track they sideswiped a departing freight train hitting, I believe, the 42nd, 43rd and -- the 41st, 42nd and 43rd cars of the freight train.

It caused extensive damage to the freight train, derailing these three cars, and also caused considerable damage to the diesel engine. A subsequent investigation removed this fireman and engineer from service, the engineer being removed for violation of rules 105 and 106 and the fireman removed for violation of rules 105, 106 and 891.

BY MR. LEWIS:

Q Very briefly, do you recall what rule 105 is about?

A I believe it is still in as 105 --

Q And that deals -- well, I might as well read it.

"Except where Rule 261 is in effect, trains or engines using other than main track must proceed prepared to stop short of train, obstruction or switch not properly lined..

Sidings of an assigned direction must not be used in a reverse direction unless authorized by train dispatcher, or in an emergency under flag protection.

When practicable, a train entering siding will not stop until train is clear of main track."

Rule 106 reads:

"Both the conductor and the engineman are responsible for the safety of the train and the observance of the rules, and, under conditions not provided for by the rules, must take every precaution for protection. This does not relieve other employees of their responsibility under the rules.

MR. SINCLAIR: Very similar to the second paragraph of rule 106.

MR. LEWIS: I was going to say I thought it was almost exactly the same and the

same number.

THE CHAIRMAN: As what?

MR. LEWIS: The same as No. 106 and the same number in Exhibit 27.

BY MR.LEWIS:

Q Now, you say that the engineer was removed for violation of the two rules I have just read?

A That is right, and --

Q And that the fireman -- I am sorry --

A That is all right -- and the fireman for those rules and 891 in addition.

MR. LEWIS: Mr. Chairman, again as a foundation for some suggestions to the Commission later I should like to read rule 891 into the record, and this is another one of the rules under the heading "Enginemen and Firemen" in the Santa Fe rules. It says:

"They --

Referring to the engineman and the fireman.

" -- must look back frequently,and especially while rounding curves and passing over track covered by slow orders, to detect any defects in their train and for signals, and engineman must require brakeman to do likewise."

Then the second paragraph of the rule reads:

"Fireman must assist in keeping a constant lookout and must instantly

give the engineman notice of any obstruction or signal they may perceive."

BY MR. LEWIS:

Q I suppose it was the allegation that the fireman did not observe the second part of this rule that applied in the case of the Hunter matter?

A That is true. To further point out the details that followed the investigation and subsequent removal of these two employees, the engineer was reinstated on December 26th of that year. However, no offer was made to reinstate the fireman until February 16th of 1951 due to his very serious violation, as they termed it, of rule 891 as you have read.

The grievance committee that handled this case then took it as a matter of discrimination against the fireman in holding him more responsible than they did the engineer and appealed it through the various processes to the National Railroad Adjustment Board, Division 1, that rules on such cases.

They contended that the fireman should be reinstated and reimbursed for time lost but this claim was denied by the National Railroad Adjustment Board, Division 1, in a hearing some year or two later. They contended that the carrier had the right

to determine the degree of discipline given to an employee.

I think this case in itself is a very good example of the attitude that the company has had towards the firemen and their duties on these engines.

THE CHAIRMAN: What was the relevant portion of 891 again?

MR. LEWIS: "Firemen must assist in keeping a constant lookout and must instantly give the engineman notice of any obstruction or signal they may perceive."

BY THE CHAIRMAN:

Q This engine was moving out of track 17, I believe?

A That is true.

Q Where was the freight train?

A The freight train was leaving or departing from track 11.

Q Was it on lead?

A Yes, it had the 41st car to the point of the 11 track switch at the time of the collision.

Q So that the freight train was right in front of this other movement when it came out of 17 on to the lead.

A Actually, when the yard engine went into track 17 the engineer stated in the investigation that he was aware that the freight train was leaving.

Q I am not asking you that. At the time of the collision the freight train was on the lead and the 41st car, or something of that order, was right on the lead in front where 17 came off --

A That is true; I would say in back of.

Q Then the movement out of 17 ran right into that passing freight train?

A That is right.

Q You call that side swiping?

A That is right; it was termed side swipe or collision. The collision happened on the lead track.

Q In other words the freight train was there and neither the engineer nor the fireman saw it, and both could have seen it?

A The fireman saw the move, and the engineer stated in the investigation that he saw the movement, too, and had made an attempt to stop but had misjudged his stopping distance.

Q What were the yard crew doing when they allowed that collision to take place?

A One of the yardmen was on the point of the movement and another yardman was in the vicinity of the 14 track switch.

Q Where was the point of the movement.

A The point of the movement would be the head of the eight cars that they hauled off; in other words, in front of the engine.

Q This engine coming out of track 17 was pushing eight cars?

A Was pulling.

Q Was pulling eight cars?

A Eight cars back out of 17.

Q The switch was not properly lined for a movement out of 17.

A The switch was not properly lined for a movement out of 17.

Q How could that be if the lead was already occupied?

A The lead was not occupied closer than the 11 track switch, which would be nearer

to the main line, away from that back toward the main line.

Q There is something I do not understand. I do not understand how there could be a switch lined for a movement out of 17 on to the lead if, as a matter of fact, several cars, including the locomotive and the freight train on that lead had been running past.

A The freight train -- perhaps this will clear it -- the freight train was moving out of 11 track.

Q But was on the lead?

A A portion of it that was on the lead was over from 11 up toward the main line. The portion from 11 track down to No.17 track was only occupied by this yard engine.

Q I understood the actual collision was where track 17 entered the lead?

A No, track 11.

Q Oh?

A Where the freight train was departing on track 11.

Q The movement out of 17 was on the lead and went right down to track 11 before it hit the freight train?

A That is true; they intended to shove those cars into 17.

Q Was it daylight?

A No, it was 2.00 a.m.

Q Flood light?

A Flood light, and I believe the investigation brought out there was also a headlight burning dim on the yard engine.

BY MR. LEWIS:

Q There is just one more case I want to ask you about, Mr.Lancaster, and I will not trouble you very much more after that. Give details to the Commission of the case of fireman H.J.Hoskins, July of last year.

A This is a case that involved a road engine departing from the roundhouse track at Shopton, Iowa. The yard engine was involved in a side swipe with a road engine on cross-over switch leading to the train yard. After preparing the engine for departure the crew reached a point in the yard where it was necessary for them to cross over in order to get on down and get on their train. The engineer was watching the groundman, the head brakeman, and the head brakeman had lined the switch on the engineer's side of the engine for them to make this movement. From the position of the fireman on this carbody type diesel it was impossible for him to note the position of this switch. The brakeman gave the engineer a come ahead signal which he acted on, and when the fireman learned that they were crossing over and could see the approaching yard engine he shouted a warning to the engineer to stop.

The engineer did not react fast enough on this signal and a side swipe occurred. In the following investigation, informal, held by the trainmaster, 25 demerits were issued to each member of this head end crew, which would indicate that they were all held equally responsible. The damage was extensive to the yard engine and the road engine. I might add that I tried to intercede. I was the road foreman at that time; I was not present when this happened, but I tried to intercede to get those dermits reduced, but was not successful.

Q Would you give the Commission your opinion, based on your experience on the Santa Fe, as to whether on your railroad firemen are or are not performing a useful service in yard and freight service on diesel engines?

A They are definitely performing a useful service and I think the record will stand for that verification of what I say, in that over the period of the last year there has been considerable difficulty with the operation of keeping the engine running while on the road. I am certain that if it were not for the fact that the fireman was able, in most instances, to correct these stuck injectors, and thus keep the engine operating over the entire division, that many operations would have turned out to be

failures. It would be necessary in the event that the fireman was not there to send some mechanical men to the point of failure, and it is easily understood that this could tie up the entire railroad by a few of those instances at various points, so that the fireman, with his more or less limited amount of knowledge and limited amount of tools, had been very successful in coping with the serious problem, as I am sure that the mechanical people themselves of the Santa Fe can assure you it is a very serious problem, and it is not licked yet.

MR. LEWIS: Thank you, Mr. Chairman.

BY MR. SINCLAIR:

Q With respect to this serious problem that they have in the Santa Fe with regard to these stuck injectors that you have just finished telling the Commission is not licked yet, are you sure about that?

A Unless they have done something short of a miracle in the last 30 days that I have been away it is still prevailing.

Q Did this not arise by the Santa Fe introducing a new type of cheaper fuel that allowed varnish and lacquer to build up, and it was causing these injectors to stick. That is the reason for it, is it not, Mr. Lancaster?

A I tried to convince one of our mechanical people that that was the reason, and this was

Mr. Rogers who handles the instruction car, and he said, "It is not a case of economy fuel; it is a case of a combination of fuels that causes the trouble and the different additives that they have been putting in those fuels."

Q This was a cheaper blend of fuel than they were accustomed to using on the Santa Fe? Correct?

A I could not say for sure but I rather imagine, with their operation, that it was more of an economy grade fuel. But they told us it was not the fuel itself but that it was combined with another fuel that the trouble arose.

Q That is what I was saying to you, that it was a blend that was cheaper than what they had been customarily using.

A I have no --

Q It was the introduction of that that caused the trouble?

A No doubt. Perhaps you are right; do have a cheaper blend; I have no knowledge of the price they paid for their fuel. However, I know we have had considerable trouble since June of last year with these injectors.

Q You do know they have been running tests with additives and adjustments of additives to that fuel?

A I believe they have been doing that since the advent of the diesel; they have a continuing

testing program on cost of --

Q In connection with this blend, though, they have tests under way.

A They no doubt do. This is of such considerable importance to them that they no doubt do have such tests going on.

Q I am instructed that they have made rapid progress in this matter and have the matter under control. You would not agree with that?

A As of about 30 days past I would not agree with it, no.

Q But before you ran into this situation, as you say, from June last, injector trouble was not something that the Santa Fe were much concerned about?

A I think one time prior to this occasion, and it was perhaps while I was in the service, they had injector trouble that arose from a fuel oil condition.

Q Yes, but in so far as recent years are concerned until this spate of trouble they have had from changing procedure in regard to fuel, there has not been trouble with injectors in the Santa Fe?

A We did not have it prevalent, no.

Q You did not have trouble with them, Mr. Lancaster?

A We did not have much prior to the injector trouble that I have spoken of in June, we

did not have it in large quantities like we have since June.

Q Did you have it except rarely?

A I would say, dating back to the first advent of the diesel, they have had trouble with injectors, yes.

Q But in the period say from 1953 to 1956 are you stating in evidence to this Commission that the Santa Fe were having injector trouble except rarely.

A No, I don't think they were prior to that time, rather, through that period that you mention, 1953 to 1956.

Q Now, in one of your rules, I do not know what rule it was that Mr. Lewis referred to; it does not matter. I will get the book here.

MR. LEWIS: The reporter took it.

BY MR. SINCLAIR:

Q If I am wrong about these rules you know them word for word, I guess, do you, Mr. Lancaster?

A I do not.

Q You have a lot of car bodies on your district?

A I would say about 95 per cent, yes, sir, in road service.

Q The new policy is to purchase only road switcher or hooded type diesels, you know that?

A I have heard of that. However, as late as 1956 they received several new car body type diesels while I was Road Foreman on the Missouri Division.

Q This Commission was told, after checking with the management of the Santa Fe, that they had, along with a number of other roads in the United States -- this was the evidence here -- come to the conclusion that they would stay with the general purpose type for all future purposes?

A I have read that testimony, yes, sir.

Q On the car body type, when you are fireman, how do you check the sand?

A The sand can be readily checked by getting on the ground -- do you mean the amount of sand that you have?

Q You tell me what kind of sand you were checking on the Santa Fe?

A The sand that is used to sand the rails to prevent slipping can be checked by having the engineer place his sander in service position or so that it will sand the rails, and you can walk around the diesel to see if the sand is being thrown on the rails.

Q An engineer could do that, too?

A Yes. I did not intend to imply that only the fireman could do this. Anybody on the ground could do this.

Q But you cannot check the supply of sand, can you?

A No, I do not believe you can.

Q To check the supply of sand you have to have a ladder?

A That is true.

Q What was that rule in here, do you remember?

A The rule that we were to check the supplies?

Q Yes?

A I believe that was Rule 893, was it -- no, 888.

Q They must know that their engine is furnished with fuel, water, tools and sand; that is a holdover from the steam rule, isn't it, Mr. Lancaster, word for word?

A It most likely is. It might not have been brought up to date. However, I am certain that they would still hold a man responsible under the rules as contained in the 1950 rule book which you have.

Q Even though the engineer -- by the way, under this book engineman means engineer,

doesn't it, and fireman means fireman?

A I believe they do make that --

Q Definition?

A I believe it is made so.

Q In my questions fireman means fireman and engineman means engineer.

A All right.

Q If the engineman checked and saw the sand was coming down when he did his brake test, and then you went on to the terminal and there was not enough sand up in the sand boxes on the diesel, do you say under Rule 888 he would be disciplined?

A I did not intend to imply he would be disciplined. However, Rule 888 still applies as it there reads.

Q Would he be held responsible?

A I think perhaps he would, not knowing an engine leaving a terminal had a full amount of sand and the roundhouse forces had not equipped the engine with enough sand or given it enough.

Q Do they supply a fireman or an engineman with a ladder to go up and check it on this car body type diesel?

A They do not. However, I feel that if a condition arose wherein engineers or firemen were disciplined, a ladder would be demanded before departure from that

time hence.

THE CHAIRMAN: I have an impression, and I may be quite wrong, but I have the impression this witness, in one or two of his answers in chief did identify the fireman with the word engineman, in one or two connections. Am I right or wrong in that?

MR. LEWIS: I do not think it was intended, sir. In this particular rule book, unlike some of those to which I shall have occasion to refer, the engineman is the engineer and the fireman is a separate term. The word engineman does not cover both.

THE CHAIRMAN: Perhaps you had in mind or I had in mind that there was some point, was there, in Mr. Lancaster's evidence where he did identify the engineman with the fireman? I just have it in my mind, and that is why I wanted to clear it up.

MR. LEWIS: I do not recall that, but I think when I discussed it with Mr. Lancaster in terms of these rules, that he said if he used the term engineman rather than engineer he meant the engineer. Is that right?

THE WITNESS: That is right.

MR. SINCLAIR: I had the same impression myself, Mr. Chairman, and that is why I put the question to him. I think the witness at one stage said, to make sure, I will use engineman and fireman in answer to your

questions. However, I think in two other places he did use phrases that might cause a little difficulty in looking at that evidence. I must say I cannot check it by recollection.

BY MR. SINCLAIR:

Q On the Santa Fe your road switcher type diesels are not equipped, in many cases, with walkways between units?

A No, they are not. I believe they have been removed.

Q From all of them?

A I do not know because we do not have them as a general rule.

Q And you know that either enginemen or firemen or a person on the engine is not to go across those couplers when road switchers are operating in multiple while the train is in motion?

A That is right. In order to correct conditions on those engines it is necessary to stop according to the mechanical rules.

Q Now, just so that I can clear this for the assistance of the Commission, on the early diesels, Mr. Lancaster, you had a shutter control that you operated manually and you had fan control that you operated manually; that is so, is it not?

A I think perhaps that is so on the very

early ones. There was a shutter control that could be engaged to a certain notch and the same with the fan control, yes.

Q And also you had purolators or filters you turned by hand back in the engine?

A That is right.

Q And on some of the early diesels you had hand-primed lubricating pumps?

A I do not believe we had any of them, that I was aware of. If I worked one I was not aware of it.

Q Now, you said that on your 100 series or 400 series on the Santa Fe you still had manual fan and shutter controls?

A Manual fan, I did not say shutter.

Q Mr. Lewis' question this morning was that manual operation of fan and shutters have given you some trouble, and mention was made of the particular value of the fireman in regard to the manual operation of fan and shutters. On more than one occasion yesterday they were grouped?

MR. LEWIS: If my learned friend has the witness' answer -- if I used "manual operation of fan and shutters", about which I think my friend is right, I was merely using it in introducing another question as to whether there was anything else with which he had trouble. The fact the witness did not correct me is not sufficient to hold him responsible

for saying that.

BY MR. SINCLAIR:

Q As a matter of fact, there has been a modification of the diesels that you referred to, and that has been in effect for some time, so that shutters are automatic on these 100 and 400 series you spoke about?

A That is true, the shutters themselves are automatically operated.

THE CHAIRMAN: On all the ones in service?

BY MR. SINCLAIR:

Q Every engine now on the Santa Fe?

A I could not subscribe to that. I do not know every engine on the Santa Fe. They may have various ones that would still have manually operated shutters.

Q But you do not have any on your territory?

A On my territory we do not have, no, unless they would be in yard service. I do not work in yard service now.

Q Leaving aside yard service, on these 100 and 400 series -- that is not a yard engine?

A They are used in the yard sometimes when there is no yard engine available. However, usually they are not a yard engine.

Q They are road engines that are also available for yard service?

A That is true.

Q None of those, to your knowledge, have manually operated shutters?

A They do not have manually operated shutters. However, they have manually operated fan clutches.

Q The modification making these automatic has been in effect for some time, automatic shutters?

A I believe that is true.

Q Now, witness, on the 100 and 400 series, what you do is you engage the clutch before you leave the terminal, correct, on the fan?

A It is to be engaged and disengaged at idle. However, you cannot always -- that is at idle position of the throttle -- you cannot always adhere to that because of further instructions that you will regulate the temperature with these fan clutches.

D-2 Q The practice is to have the fan engaged before you leave the terminal?

A Yes. However, you cannot say that, for instance, if you got on your train a and were ready to depart from the yard you can go then and engage your fan clutches because you might be delayed as much as ten minutes prior to departure, actually getting out on the main line and working engines under full

load and the temperature would reach the point below the prescribed maximum and minimum.

Q Mr. Lancaster, I am asking you whether the practice is not, when you are stopped and before you leave the terminal, to engage the fan lever?

A I do, yes.

Q And from then on the shutters open and close automatically under the modification of these 100 and 400 series diesels you have on the Santa Fe?

A They do. However, if you have both fans engaged and the temperature is such that the shutters will not go into action, the temperature could be reduced to a point below the prescribed operating minimum.

Q But that is not a matter that the fireman is back there adjusting one fan or two fans or putting a fan on or off now on the Santa Fe, is it?

A I think perhaps you will find it is.

Q You mean he is back there most of the time, checking that?

A I did not say he was back there most of the time.

Q How many times would he do it over a subdivision, once?

A It would depend entirely on the

temperature. If you started out in the early morning hours when it was cool, you might operate with one fan. If you got sunshine and the temperature going up to 70 or 80 degress outside, you might have to put on a second fan en route.

Q Would this be a way of summarizing it with which you could agree, that on account of the shutters being automatic now on these early classes of power on the Santa Fe, that you could engage your fan lever before you leave the terminal and on some trips it would not be necessary to touch it? On other trips you might have to touch it once by cutting in two fans or cutting two fans to one fan and on other trips you might have to do it more than once? Would that be a fair way of summarizing it?

A Let me point out to you, if your train is staying for any length of time any place along the territory, that it is necessary then to reduce these fan clutches while you are staying around so your temperature of the engine won't vary down below the prescribed minimum.

Q Yes, when you are stopped you could go back and adjust them before you started up again; that is what you are saying?

A That is true.

Q Would you agree, subject to the adjustments that you could make when you were stopped for a while, with the summary I put to you earlier?

A I would not, in this respect, that to set a hard and fast rule that you are to put them on at the terminal and remove them at the other terminal, with some checking in between, would not entirely satisfy the proper operation of the diesel as prescribed in our instruction.

Q So far as the shutters are concerned then there has been a marked advance in regard to the requirements of the fireman in regard to fans and shutters; you will agree with that?

A Yes, I will, however they are not still infallible.

Q Well, that may be so and maybe perhaps you are not infallible?

A Oh, no, I agreed yesterday I believe that I was not.

Q As a matter of fact, you are on the Oklahoma Division at the present time?

A That is right.

Q You were relieving road foreman for a while?

A I was road foreman on the Missouri Division from March 15 until December 1 last year.

Q There was a little bit of difficulty in regard to something in that district when you were road foreman, was there not?

A I don't understand what you mean by difficulty.

Q In regard to carrying out instructions of the superintendent?

A I believe if you will check into the matter further you will find that that was not on my territory.

Q Were you not requested to do some work at, what is the name of the place of the Admiral plant?

A Yes, Galesboro; that is in Illinois, the present Second District.

Q You refused to do that?

A I refused to cross a picket line, if that is what you are inferring.

Q You refused to cross a picket line at the Admiral plant?

A Yes.

Q Although instructed by the superintendent to do so?

A Yes, I was instructed by the superintendent to do so.

Q By the way, you said yesterday that the road foreman at Fort Madison

territory would cover from Fort Madison to, I am going to call it Kansas City, just outside Kansas City?

A Yes. I believe you will find it is Sheffield.

Q That is the Third and Fourth Divisions as you call them?

A That is the Third and Fourth Districts.

Q You will agree that under the instructions of the superintendent, since the Illinois Division and the Missouri Division were consolidated, the road foreman on the Illinois Division worked either direction on the instructions of the superintendent?

A I believe I said I had made trips under that set-up yesterday over the portion that you describe.

Q That is also from Chicago to Kansas City?

A I believe that occasion would be very rare, where you would make a complete round trip Chicago to Kansas City. It might be necessary for a road foreman to pinch hit for the other road foreman if he was involved with some other duties.

Q As road foreman, when you were on the job how many miles a week would you put in, Mr. Lancaster?

A It would vary greatly, Mr. Sinclair, because at some times, perhaps for a month at a time I was holding rules classes and during those times I would only ride when instructed to do so. At other times I was out on the road perhaps the entire week.

Q When you were on the road through the entire week how many miles would you put in on the Santa Fe?

A I could not make an estimate because some weeks I might ride two or three trips between Kansas City and sometimes for some weeks I might ride to Marceline and then later on to Kansas City, so it would vary a good deal from week to week.

Q As you say, you had relatively little experience in this period. It was only for a few months and some of that time you were rules instructor?

A I do not subscribe to the fact that I had little experience. I was there for only a short time.

Q As road foreman?

A Eight and a half months.

THE CHAIRMAN: If it is important, the witness has not yet said how many miles he travelled.

BY MR. SINCLAIR:

Q I took it that he said he could not make an estimate.

A It would not exceed over 4,000 miles a month, although perhaps it might go up as high as 5,000, but I don't think it would exceed that.

Q In your examination and in answer to my friend's question yesterday, you said that you are required to patrol the 2650 type of diesel; remember that?

A I don't remember stating that I was required to patrol on the 2650. I believe that had reference to the relays for engaging and disengaging the fans, and it was necessary to patrol in some instances when there was faulty automatic operation.

Q Would you do that with that type of unit when it was stopped?

A It can be done if you are in single unit operation, it can easily be done on the unit.

Q But in multiple operation, on the trailing unit it would be done when the unit was stopped?

A It would have to be under our rules.

Q That is the road switcher type?

A That is right.

Q On the Oklahoma Division, have you

with you the recent or latest operating instructions that they put out there to govern crews on engines?

A I do not have them with me, no.

Q But you know them?

A I would say that I have a working knowledge of them, yes.

Q Is there anything in there that says that firemen are to patrol?

A As such there is not; however, there is nothing in there that says we are not to patrol.

Q But there is the matter that you are not to go across road switchers in multiple, that is in there?

A That is true. I believe you will find that standard over the entire system.

Q So there is that factor in there, that you are not to go across road switchers?

A You are not to move from one to the other while they are in motion because there is no provision for safety of movement. I believe there is a question of safety involved there.

BY THE CHAIRMAN:

Q What about patrolling the road switcher that you are on when it is in motion?

A It could very easily be patrolled while in motion.

BY MR. SINCLAIR:

Q That is what I was going to ask you. How about patrolling a single unit road switcher?

A It could be patrolled. However, the condition probably would not be to the best advantage or safest while the speed was at a high rate, say above 50 or even maybe above 45, but I have had occasion to go out on the walk at a speed under 40 or around 30 miles an hour and adequately performed what duties were required.

Q I am talking about patrolling, witness, not where you are met with something that requires you to take action.

A Actually you could patrol. However, I am not familiar with what the practice is on those engines because we do not, as I said before, have any.

Q Witness, also on the Santa Fe the air into the enginerooms is filtered on your diesels?

A On some of the earlier type of freight engines that we have, that were converted from passenger to freight, I would say they were around 158 up to about 180, there are filters on the doors, on the side doors. Is that what you are referring to?

Q The air entering the engineroom is filtered air, air that goes in through the filters?

A The air that comes in through the side doors I would say would be filtered. The air is filtered. I am not sure of what you are talking about.

Q By opening the door on a patrol you would admit unfiltered air, would you not?

A I do not quite follow you. If it is a car body type, is it not sealed from one end to the other? The door you would open to patrol would be between the units.

Q I am talking about road switchers, and perhaps that is where we got confused.

A That is true. You would perhaps admit unfiltered air or whatever air was in the atmosphere; yes, that is true.

Q As you were going across the route, if you were patrolling and opening doors along the route that you took you would admit large amounts of unfiltered air into the engine compartment of the road switcher?

A It could easily be, but I understand that that would probably have a damaging effect on the electrical equipment rather than the diesel equipment.

---Recess. --

---On resuming.

BY MR. SINCLAIR:

Q Mr. Lancaster, on the Santa Fe the head trainman on a freight train has flagging duties?

A He does.

Q And in answer to my friend you said there was nothing in your rule book that required the head trainman to check the flagging equipment?

A I believe I said that after a brief examination or rather hurried examination of the rules I couldn't find a rule that applied.

Q But there is one there, isn't there? There is a rule that requires the head trainman to check his flagging kit?

A It would be implied to me that there should be a rule, yes, but I am not --

Q I have found it pretty easily. It is rule 7, the same as rule 7 in Exhibit 27. Do you remember that?

A That would be the rule that would comply or compel all employees to supply themselves with the necessary equipment for flagging and such other signal giving and so forth.

Q All those required to use them?

A I think that would also cover his white lantern he uses to give signals with and such matters as that too perhaps.

Q Now, you said yesterday to my friend, Mr.

Lewis, in your evidence to this Commission that there were instructions that a fireman was to be on his seat and that in going back they had to do so at times when they were not going through towns or where there were open stations and where there would be train orders?

A I believe I answered that yes, that they were required to be in the cab while they were passing these crossings at grade in towns and also at open order stations.

Q Now, when you were having this injector trouble you were talking about and some of the firemen you mentioned were back there constantly working on their engines with this injector trouble, would they come up into the cab each time they came to a town?

A Did I make a blanket statement that on road and passenger service or -- road and passenger and freight service, that they were in there working all the time? The statement I made yesterday to Mr. Lewis was to the effect of my experience in the earlier days of the diesel prior to the watching rule. We have no train, by way of explanation, on the Oklahoma division that comes under the watching rule.

Q But on the Illinois you have quite a few?

A I think there are probably four or five each way, yes.

Q Each day. Well now, you say that what your answer meant was that when you were in passenger service in the earlier days you would go up and get into the cab when you were going through towns or passing stations where there might be a train order board?

A Yes. At that time our operation was a single track operation with block signals and train orders, and if we had a signal that displayed red for the delivery of a train order the only way we could get one on the left-hand side of the engine would be to have a man there in the cab to pick that order up from a hook.

Q Witness, are you telling this Commission that on the Santa Fe your train order signals are tied in with your automatic block signals?

A I am not.

Q Then, how would you get a signal red on the block to tell you you were going to get a train order?

A I said automatic train order signal, did I not?

Q Oh, I am sorry, you may very well have -- automatic train order signal --

A It would not be automatic in the sense that it would either display red or proceed, either display stop or proceed. Perhaps I misconstrued --

Q You are not suggesting to this Commission that firemen on diesels on the Santa Fe were automatically calling block signals on every occasion as they went over the road?

A I do not believe I made that inference.

Q No, I know you did not. You are not suggesting that they do that?

A They are required by the rules to communicate the indications of all signals affecting movement of trains.

Q Which they do not all do, do they?

A I would say, in general practice, either they do or they are severely dealt with, yes.

Q When they are back in the engine room how can they call these signals in a car body unit?

A To say that they call all signals while they are back in the unit would be to imply that they have eyes where they have not, and I did not say that they would call all signals while they were in the back performing their duties of patrolling or working with the trouble of the diesel engine.

Q What you are saying to this Commission is when they are in the cab they call them as they are required to do?

A That is true.

Q But when they are patrolling or back in the engine room for any other reason they do not bother because they cannot.

A To say that they do not bother about them

would not be entirely true because our operation now on our portion of the railroad, with the exception of perhaps 15 miles is entirely C.T.C. operation, centralized traffic control, so that you operate entirely with a block signal indication, and, to make a lengthy answer, I have on several occasions opened the side door of the diesel to see the indication signal ahead when we knew approximately what the indication would be or to more or less give myself an idea of my bearings

Q You are talking about a passenger train now?

A No; I am talking generally on either.

Q Why would you not rely on the head brakeman to call them and call them back to the engine?

A I can rely on the brakeman to call them, but I would also like to have an awareness of where we were at and what we were doing myself on freight.

Q When you were on a single track operation, as you said, when you got those diesels earlier on passenger trains you were back in the engine room. Are you swearing to this Commission that every time you came to a town you got out of the unit, went up and got on your seat?

A I am not. I merely stated yesterday, as I remember that on the earlier engines when they were first introduced on our portion in passenger service, that we were required

to be in the cab while passing through towns where they might be numerous grade crossings and also at points where there might be an open order station.

Q Did you at all times comply with that?

A I would say that I usually tried to; I was never disciplined for non-compliance with it and we never missed any train orders that I recall for my failure to be there to receive them or to receive the messages or train orders that might be delivered to my train.

BY THE CHAIRMAN:

Q I am having a little difficulty following your evidence. I do not think you answered that question; I do not think you really answered it.

A Would you mind repeating the question.

MR. SINCLAIR: Will you read the question, Mr. Reporter?

(Reporter reads:)

Q. "When you were on a single track operation,as you said,when you got those diesels earlier on passenger trains you were back in the engine room. Are you swearing to this Commission that every time you came to a town you got out of the unit, went up and got on your seat?

A. I am not. I merely stated yesterday, as I remember that on the earlier engines when they were first introduced on our portion in passenger service, that we were required to be in the cab while passing through towns where they might be numerous grade crossings and also at points where there might be an open order station.

Q. Did you at all times comply with that?"

BY THE CHAIRMAN:

Q That is the question. "Did you at all times comply with that?"

A As I understand the question, I complied with it in this respect, at these towns, about five in number between our terminal and Kansas City and Oklahoma City where we first operated these engines I did comply with these instructions, yes.

BY MR. SINCLAIR:

Q Because there were only five towns that you had to look after?

A I did not say that was the reason why I complied with it. I complied with it because it was an understanding that we were to comply with the rules.

Q How many towns do you go through on that division, roughly?

A I would say in the neighbourhood of 15.

Q And at five of those you would be in the cab?

A Understand, this one is where we had the diesel turn back, Oklahoma City, a distance of 121 miles from my terminal.

Q I just want to get your evidence. There are 15 towns that you go through, and as I understand your answer to me for the benefit of the Commission, your practice was, in going through these towns, to be on your seat of this passenger train in the cab.

A Fifteen would be an erroneous answer for the distance from Kansas City to Oklahoma City, the operation that these trains were operated over. I understood your question to me to be the number of towns on our division. The figure would be more nearly 10 or 12 in that portion, so I was in the cab for roughly half of these.

Q Half of the towns?

A That is true.

Q At all times you would leave the unit engine room and go to your seat in the cab when you went through these five towns?

A Not necessarily to my seat; I would go up in the engine room, up in the cab, rather.

Q You would follow the same practice on the freight train?

A I did not say that.

Q That is for passenger; on the freight train

what would you do?

A On the freight train, at that time I was in the engine room quite a bit, probably more than most, because when I came back from service it was necessary that I catch up with these things. They were more or less initiated when I was gone in freight, so that the instructions that they gave me were to patrol at least once every 20 minutes, and the extent of the patrol was never defined. However, numerous procedures were pointed out to me, numerous checks made while in the engine room.

Q In freight service you spent a lot of time back in the engine room?

A I would say that I have over my period, covering all my experience, I have spent considerable time in the engine room, yes, sir.

Q While you were moving over the road?

A Yes.

Q In freight service?

A Yes, sir.

Q On the Oklahoma division, in these five towns, on those occasions, my question was, would you always come up from the engine room of these car body units and get into the cab of the leading car?

A I would not, because at these towns it was entirely necessary that I be in the cab because the speed was reduced and you had the

trainman there to catch the orders if the train orders were called to be delivered; also, on that question of rigid compliance with this rule, rigid compliance was not as necessary after our operation went over to C.T.C. operation because we had no points for train order delivery between -- for about 130 miles on our railroad.

Q The towns were still there, witness?

A I agree with that.

Q Now, yesterday you gave some evidence to my friend as to what you would do on the Santa Fe at road crossings if traffic was approaching, and such phrases were used as, "there is a car coming; I do not know whether he will make it; car coming; I do not think he will make it", or "I am not sure he will make it." These were the types of things you had in mind in answering my friend Mr. Lewis in giving your evidence yesterday, that the fireman would say that.

A I am aware that the question as you asked it would imply that the fireman or I had determined that a car was coming toward a crossing and I did not think he might make it. I have had this happen on numerous occasions to myself.

Q Yes, and on those occasions when you called to the fireman he would apply his brake, would he?

A Perhaps, let me put it this way, that on all occasions he would not; on some occasions he would

and I know of one instance in which I was involved in a passenger train wreck where they did hit a truck loaded with pipe at Moore, Oklahoma, and the fact that I had initiated the brake application was later determined to be responsible for lessening the damage that was done in that derailment of the entire passenger train with the exception of the last two cars.

Q Now, witness, you have been an engineman on the Santa Fe?

A I have.

Q You have seen cars approach crossings?

A I have.

Q They are a matter of concern to the people on that engine for their own safety as they approach crossings?

A That is true.

Q And you would say to your mate across the cab, "I see a car coming; I do not know whether he will make it;" and you are going 40 miles an hour with a freight train. How long do you think it is going to take you to have any effect on the foot tons of force on that train?

A I think it would be rather hard to answer your question, Mr. Sinclair, because to say how long do I think at 40 miles an hour it is going to take any effect, you are taking into

consideration the fact that you have an engine and way car, which is a train or an engine and 124 --

Q I said 40 cars, did I not?

A I thought you said 40 miles an hour.

Q I am sorry; 40 cars?

A With 40 cars you could stop relatively fast, but they are not all 40 cars. That would be 4,000 tons.

Q Let us give you 2,000 tons, 2,200 tons, 40 miles an hour, 40 cars, good track, perfect conditions, straight and dry?

A Level.

Q Yes.

A I would say you could stop in about the length of the train.

Q How much distance is that?

A Well, 40, roughly 44, 50 feet to a car; actually I do not believe you would be able to stop short of the crossing, but I think you might be able to lessen the blow.

HON.MR.McLAURIN: Two thousand feet?

THE WITNESS: Thank you.

BY MR. SINCLAIR:

Q Pretty close to that?

A That would be in the neighbourhood of half a mile.

HON. MR.McLAURIN: I have sat on these cases as a judge on a number of occasions, so I know something about it.

Q Well, Mr. Lancaster, have you ever calculated the reduction in foot tons of force of a train, say weighing 2,000 tons, a train with a diesel, say 2,200 tons, by applying the brake?

A I have not. I think perhaps you need the witness you had yesterday to answer such a question.

Q Maybe you would calculate it and tell me whether my calculations are wrong. If you reduce it by five miles an hour, and that would be quite a reduction, it would take a few seconds or minutes to do that, would it?

A I would say it would take a little longer than that, perhaps.

Q I suggest to you you only reduce the foot tons of force from 132,436 to 115,938. Do you think that would reduce the impact very much?

A Regardless of the figures you have read, Mr. Sinclair, I would have an easier conscience if someone were injured in this car if I had made every effort to stop.

Q Actually, Mr. Lancaster, you are like all other enginemen or anybody else up there, you just pray the motorist will be sensible enough to control his vehicle because you know you cannot control yours

when you get close to the crossing. Isn't that what you do?

A We do considerable praying, I will have to agree to that. But, at the same time, your hair gets pretty gray at times over incidents that happen, and to know that you have done everything in your power to save maiming a human is a feeling that you can walk away from the job that night and be able to go to bed and go to sleep.

Q Do you put the brake in emergency when you get a call?

A I would not say at all times you do.

Q Do you soak her or just squeeze her? How do you handle the brake valve? You are the engineman?

A That would depend entirely on the conditions. I could not say you would go up and down the railroad putting your train brakes in emergency for every road crossing you cross.

Q Or every time the fireman said something to you?

A Nor would you run slipshod down through the country and disregard instructions from the fireman or disregard your own eyesight.

MR. SINCLAIR: I think that is all I have, Mr. Chairman.

BY HON. MR. McLAURIN:

Q In this matter of cars and crossings, I think you put it quite properly as I have heard enginemen put it frequently in this type of accident. From a purely humane point of view you want to do everything you can, but when one of these trains is going at high speed you are pretty well helpless and it is the helplessness of your situation that makes it all the more hair raising?

A That is right.

Q From the point of responsibility, if you sounded for the crossing, you whistled as required by statute and so on, then we are in a world where everybody has to do something to look after himself, and the responsibility is on the motorist. He should not be there?

A That is true, but we find quite a number of them who disregard all personal safety.

Q I know, and if they are going to do that, in nine cases out of ten there is nothing that you, as engineman, can do to save their lives?

A Actually, you cannot draw a distinction about whether setting the air might save them from being killed, or they may be better off if they are killed if they are going to be maimed beyond recovery.

Q When you are going 40 miles an hour and they are out about half a mile, you do not know whether they are going 70 or 80, and it is pretty hard when you are back half a mile -- you are really helpless to know what sort of a decision you should make?

A That is right.

Q Because you do not know whether he is going to accelerate or decrease?

A That is right; they can amaze you at how fast they can stop.

THOMAS WILLIAM WADE, Sworn, Examined

BY MR. LEWIS:

Q Mr. Chairman, it might help the Commission to follow the duties of this witness with the Milwaukee Railroad if you look at Exhibit 150, which was a map of the Milwaukee.

Now, Mr. Wade, you are now and have been since February 7 of this year the General Chairman of the Brotherhood of Locomotive Firemen on the Milwaukee Road, Lines East?

A That is right.

Q That would cover what territory on that map?

A That would cover from Chicago to Mobridge, South Dakota, and from Chicago to Kansas City; Chicago to Rapid City.

Q It would be the lines east of Chicago, is that right?

A West of Chicago.

Q I said lines east and I should have said lines west?

A That is right, lines west start at Mobridge.

Q You are on full time in that position?

A I am.

Q So that since February 7th of this year you have done no work on engines or

trains?

A No, I have not.

Q Now, you joined the Milwaukee Railroad, the Chicago, Milwaukee, St. Paul and Pacific Railroad in February, 1923, as a fireman?

A Yes, sir.

Q And you took your mechanical examinations and air examinations in 1928?

A That is right.

Q All three series?

A We only take them in one there; we do not take one, two and three progressively, we just take one and that is supposed to be at the expiration of four years.

Q You take one whole set of exams at the end of four years?

A That is right.

Q You wrote your rule book to qualify as engineer in 1942?

A That is right.

Q During the 1920's you also worked as a fireman for the Green Bay and Western and the Chicago and Northwestern Railroads?

A That is right.

Q And for a short period you also worked as a brakeman, for a short period during those years?

A On the Chicago and Northwestern only.

Q But you continued, except for those short

periods, you continued your service with the Milwaukee Railroad, and on January 1st, 1942, you were promoted to Fuel Supervisor on Lines East?

A That is right.

Q And as Fuel Supervisor, what were your duties?

A Well, the duties of Fuel Supervisor were to instruct new firemen as to their duties; to watch engines and their steaming qualities. If we had a bad performing engine in a certain district we were sent there to try to find out what was the matter and get it fixed. We also inspected the coal that we were purchasing from the Indiana mines to see that it was the proper size that we were ordering and other things that pertain to clean coal.

Q You continued as Fuel Supervisor of Lines East from January 1, 1942, to December 1, 1942, the same year, when you were promoted to Travelling Engineer on the West Hastings, Dakota, Division?

A That is right.

Q In our conversations here, Mr. Wade, you explained certain terms, and am I right in suggesting the term Travelling Engineer covers the same duties as the term on the Canadian Pacific, Road

Foreman of Engines?

A I would think so. I have not talked to any of the men, but I imagine that is what it is.

Q Then, you continued as Travelling Engineer from December 1, 1942 until March 1, 1947, when you were again promoted to Master Mechanic for the Hastings, Dakota, Division?

A That is right.

Q And you worked as Master Mechanic for about two years, when, on January 1, 1949, you were again promoted to Assistant General Road Foreman of Engines on all lines west of Minneapolis?

A I had jurisdiction of all lines west of Minneapolis, that is correct.

Q And you were in this position, Assistant General Foreman of Engines -- did you report to anybody titled General Road Foreman, or did you report to somebody else?

A I reported to the Superintendent of Motive Power and the Assistant Superintendent of Motive Power, to those two offices.

Q Was there a General Road Foreman of Engines?

A There was, and he had jurisdiction from Chicago to Minneapolis, and I guess

technically he could also come into my territory, but by the same token I went down into his territory.

Q Then, you held this post as Assistant General Road Foreman of Engines from January 1, 1949 to August 1, 1950, when, for your own personal reasons, you resigned that supervisory position and went back as engineer on the road from Milwaukee to Chicago?

A That is correct.

Q And you have been running or you had been running and firing freight and passenger engines and also yard engines until you were elected to your present post by the membership of the Brotherhood?

A I did everything that you mentioned except yard engines. I did not have anything to do with yard engines, not since I have been back to work this time.

H-2 Q Have you had any yard experience?

A Yes, I have had quite a bit of yard experience.

Q When would that have been?

A That would be in the period from 1923 to 1942.

Q Was that the period you had yard experience?

A That is right.

Q I also asked you, Mr. Wade, about the record of your activities with the Brotherhood and just so the Commission has it complete, you informed me that after you resigned your post as General Foreman of Engines and went back to work as engineer or as fireman, as the case may be, you were elected Local Chairman of Milwaukee Lodge No. 130 of the Brotherhood?

A That is right.

Q And you held that position from February, 1952 to February of this year?

A That is right.

Q Did that position of Local Chairman mean a full time job?

A No, you worked on the railroad besides that.

Q Now, I would like your assistance first, Mr. Wade, in giving the Commission your experience with steam engines. Did you have experience on hand-fired engines?

A I had a lot of experience on hand-fired.

Q As fireman and as engineer or only as fireman?

A Most as fireman.

Q Did you have any experience with stoker-fired engines?

A A great deal, yes, sir.

Q Did you have any experience with oil-fired engines?

A I did.

Q And of course you have had experience with diesel power in the last number of years?

A Well, yes, I have had it ever since they came on our road except when we first bought two of them, we had them for years and I didn't have any experience with them, but when we started to dieselize I have had experience ever since.

Q That would be since when, roughly?

A 1942, 1943.

Q Your president of the Milwaukee Railroad, Mr. Kiley, gave evidence to this Commission to be found at pages 3935 and 3936 of Volume 28. The following answer by Mr. Kiley appears at the bottom of page 3935:

> "If he was on a heavy job he would probably be on the deck anywhere from 50 per cent to 75 per cent of the time. On a light job it might be only 25 per cent to 50 per cent, depending on the amount of work that was necessary."

From your experience with hand-fired engines on the Milwaukee Railroad as fireman, Mr. Wade, would you or would you not agree with Mr. Kiley's statement which I have just read?

A Well, there is a few things to take into consideration when you are estimating the time that a fireman is on the deck with a hand-fired engine. You have weather conditions; you have the engine; you have the condition of the coal; you have to consider the man that is running the engine; you have to consider the shape the engine is in in regard to valve motion; you have a lot of things to consider. How Mr. Kiley arrived at the percentages that he gave this Commission I cannot quite understand because while I was supervisor, and prior to that time, I know of no tests that was made or anything to determine how long a fireman was on the deck. According to the information that Mr. Kiley gave this Commission I don't see anything in his background that he ever fired an engine or did anything like that, so I don't know how he could arrive at the figures that he gave. I couldn't myself unless extensive tests were made under every

condition I have just gave you.

Q You say you could not arrive at any estimate of the time?

A Not to be sure unless all the conditions was put out when the test was made. That is the only way you can arrive at it. I cannot see how else you could because you might ride with a man today and he is on the deck half the time and tomorrow he is not on the deck 10 per cent of the time, so how you could arrive at those figures as being permanent, I cannot understand.

Q I suppose -- if I may, Mr. Chairman -- you would agree with the suggestion that has been made by witnesses of the Canadian Pacific that a fireman's duties on a steam engine, that his primary duty on a steam engine is to produce power for that engine?

A That is right.

Q And I am sure you would also agree with the witnesses of the railway that in doing that he would have to spend some part of his time, sometimes less and sometimes more, attending to that duty of producing power?

A That is right.

Q What you are saying is that you would not like to try to estimate any average

time it would take?

A That is right.

Q In performing those duties of producing power, Mr. Wade; when you were fireman, first, did you or did you not have other duties in connection with lookout and the operation of the train that you had to observe?

A You mean regarding gauges and stuff like that?

Q No. Did you or did you not when on a hand-fired engine and you were fireman and you attended to your duties of firing the engine; did you or did you not have additional other duties of lookout and duties connected with the train?

A That is right, I misunderstood your question. You did have other duties such as lookout and watching signals, train order boards, catching orders if there was any to be delivered to you. Are those the duties you are referring to?

Q You tell the Commission.

A That is the duties you had besides firing; you had to watch the operation while the engineer took his train orders and meets and slow orders and pick-up train orders and watch the train on curves. You had numerous other duties.

Q In your freight train operations, Mr.Wade,

how many members of the crew were in the cab of the engine?

A The head-end brakeman, the engineer and the fireman.

Q These other duties you mention of look-out and train orders and so on, were they the fireman's alone or did he have them jointly with the other members at the head end?

A Well, I know when I was firing I did that myself as far as train orders and calling signals and picking up train orders; I performed that because that was my duty. I didn't rely on the brakeman to do it.

Q In that connection, Mr. Wade, you have a book of operating rules on the Milwaukee Railroad?

A Yes, sir.

MR. SINCLAIR: This is a different one?

MR. LEWIS: I have not read it.

THE WITNESS: If I might mention something for Mr. Sinclair's information. You will note that that book of rules covers various railroads, not only the Milwaukee.

BY MR. LEWIS:

Q I notice that this is a consolidated code of operating rules and general instructions, revised 1945, and it

covers the Milwaukee, the Duluth South Shore -- about eight railroads?

A However, there are certain paragraphs in that book that say, "This applies only to the Union Pacific," and stuff like that.

Q In connection with your other duties, your lookout duties, in this book that I have referred to there occurs Rule 932 at page 206 which rule reads:

> "While engine is moving, the fireman must keep a constant lookout when not engaged in other duties. He must be on the lookout if the view of the engineer is obstructed or if the engineer is obliged to look away from the track ahead; he must give instant notice to the engineer of any signals or indication of danger or obstruction, or if there is any reason to believe the train may strike a person or object on the track. He must keep a sharp lookout for signals displayed by other trains, and keep in mind all train orders and notices affecting the movement of trains so as to be prepared to call attention to, or take necessary action in the event of any oversight or mistake."

That is Rule 932 which I have just read, Mr. Wade. In your experience on the Milwaukee Railroad has that rule been in existence since 1923 when you joined the Milwaukee?

A Practically the same, yes, sir.

Q This book was revised in 1945; has it now been in effect since that time and is it in effect now?

A That is right, it is.

Q Now, with a stoker-fired engine, on which you tell us you have had experience firing, and I am still dealing with your firing experience, Mr. Wade, in the same Volume 28 of the transcript of evidence, at page 3936 Mr. Sinclair asked Mr. Kiley the following questions and received the following answers:

"Q. Have you ridden stoker engines on your railway?

A. Yes, sir.

Q. And made observations with regard to the performance and the work load of employees, firemen particularly, on stoker power? You nod your head.

A. Well, I have ridden those and I have made observations on those. My recollection of the time that it takes is somewhere around 25 per cent

"to 40 per cent of the time they would be on the deck, depending on whether they had any difficulty with the coal, difficulty with the fire and difficulty with the stoker."

Would you or would you not agree with Mr. Kiley's statement that on a stoker engine you as fireman would have been around 25 to 40 per cent of the time on the deck of a stoker engine?

A Are you asking me if I agree with that evidence if I am having the trouble he has cited in his testimony?

Q You give the Commission your experience?

A My experience on stoker-fired engines has not been 25 to 40 per cent of my time on the deck. I have left one initial point and went to the other end of my run on a stoker-fired engine and never got off the seat box, had no occasion to. I have had some runs occasionally where I was having trouble with the engine steaming that you have to watch it a little closer and probably you would get down occasionally to look at your fire or have different troubles. That would take you off the seat occasionally, but I certainly would not be 25 to 40 per cent of the time on the deck.

Q Can you recall an instance where you had say a great deal of trouble with the coal or the steaming of the engine or something that made you use language that you could not properly use in the witness box?

A I have had.

Q While you were working?

A I have had trouble; certainly I have had trouble over the entire division, but that is on rare occasions and then possibly you would be down that length of time, but that is not an ordinary performance, that is something that does not happen very often.

Q And on oil power, Mr. Wade, what would be your experience in firing oil-fired engines with respect to the time you would be occupied in your firing duties?

A Well, there is no reason for you to get off the seat box when you have an oil burner except at the time you have to blow sand to get the carbon off your burners, and that would be, oh for possibly every 25 or 30 miles. It would depend upon how hard the engine was being used or something like that, how much fuel you were using because the more fuel you use the more carbon you would get.

That would be the only time, and then you would put your scoops of sand through the sanding hole and you would be down there just long enough to do that. It would only take around a minute or something like that. That would be the only reason you would be down there.

Q Mr. Wade, from your hand-fired experience, were there any improvements made or were there not in the hand-fired engines in your own railroading lifetime?

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A Well, if the Commission will bear with me I will try to explain that over the period of years the time that a fireman was required to spend on the deck, from the hand-fired days until the time that the stoker-fired engines were retired, became less and less due to the improvements that were made.

For example, when I first went firing we had chain doors. We did not have any air doors. Then came the introduction of the air door which enabled the fireman to put his fire in much quicker because he could use two hands. With the chain door he had to use his left hand to open the door and then bring his right hand to get hold of the scoop and throw the coal in the fire box. That was eliminated with the air doors. Then they came out with the stoker engine.

Q Before you leave the hand-fired engines, Mr. Wade, I have heard references -- I am very ignorant in this field -- to super heaters and the like?

A Well, I was going to bring that out but I can bring it out now. When I first went firing we had a lot of what we called saturated engines. That isn't the railroad term they had but I wouldn't dare use it here. The steam was used directly as it was first made into steam and that was

called saturated steam, and the temperature, as I recall it, of the saturated steam was 387 degrees Fahrenheit.

Then came the introduction of the super heater jobs and the steam was reheated before it was introduced to the valves, through the valves to the cylinder, and the temperature of that steam -- I was on numerous tests myself -- would reach as high as 640 degrees, which is practically double what the temperature of the saturated steam was, which made it drier, and the reason that the railroads adopted the super heater was that it lessened the consumption of coal a whole lot, so naturally when the consumption of coal was lessened the fireman did not have to put so much in the fire box so he was up on his seat more than he was in the days of the engines with saturated steam.

Then we came to the stokers and I remember that some of the stokers were a pretty clumsy affair but they did part of the job and you had a little trouble of distributing your coal properly.

As time went on they made improvements on the stokers and up to the time that they were retired I would say the stoker did a pretty fair job.

In fact, the Standard Stoker people

said that during the normal operation of a stoker on the road that the stoker itself would supply coal to 95 per cent of the fire box. The part that it would not supply to was right around the stoker pot. You did not have to put it in by hand. All you did was shut off your distributing jets, let your stoker run and it boiled over and filled the left side of the stoker ring. So it was not necessary for you to put any coal in by hand in a stoker-fired engine.

So all of these improvements lessened the time that the fireman was required to be on the deck and he was on the seat practically as much as he is today on a diesel.

Q And in your experience to what year would you date back the introduction of the stoker engine, for example?

A Well, to straighten one thing out, when I hired on in 1923 I hired out on what was called the Superior Division and that was from Milwaukee through Grand Bay, Wisconsin, and north, and then in 1928 I transferred to what was called the C. and M. Division, the Chicago and Milwaukee, and it is now known as the Milwaukee Division, First District.

On the Superior Division from 1923 to 1928 we didn't have stoker engines on

that division. However when I went to the C. and M. Division in 1928 they had stokers there, but are you asking me when they first came into existence?

Q In your experience?

A Well, that is it, in 1928 I started on them.

Q Then I was going on to ask you this. Do you know whether the Milwaukee Railroad had any stoker engines before 1928?

A h. definitely, yes. They had them on the division I was on and a lot of other divisions. We were an outlying division so we kept on getting the junk until they finally decided to give us some good power up there.

Q And when did you yourself first fire an oil burning engine?

A Well I would say about 1939 or 1940, something like that, because that is when we first got oil burners on our railroad.

Q About 1939 or 1940?

A That is right.

Q And you say that from 1923 on these improvements which you have outlined to the Commission have taken place in the firing methods and in the production of power?

A That is right.

Q Then, Mr. Wade, we come to the diesel days and when you first became a travelling engineer -- we will start with those days,

December 1, 1942 -- and later master mechanic and later assistant general road foreman of engines. During those eight years roughly did you instruct engine crews in diesel power?

A I did, yes sir.

Q Would you explain to the Commission what your instructions to the engine crews were and whether it was to the engineer or the fireman, and so on?

Q Well, as far as the engineer was concerned we instructed him how to run the diesel which consisted of how to operate the throttle, and at that time some of the engines, the transition was made manually, which required the engineer to move the lever to whatever he wanted to change the sequence to, and the reverse lever, how to operate that.

We explained the different electrical connections that he had in the cab and that he had to have in in the operating cab in order to operate all units, if he had one or more. We didn't have to tell him anything about air brakes because they were practically the same as they were on the steam engine, and we also had to instruct him on the use of the dynamic brake. That would cover pretty well the instructions we gave to the engineer.

As far as the fireman was concerned, he received a lot of instructions back in the engine room. I forgot to mention one thing. I also instructed the engineer how to change ends, from one operating end to another, because that was part of his job.

Back in the engine room we instructed the firemen on the operation of the engine, the protective devices, what the different gauges were, and then we went into lengthy explanations of what he was to do if one of the bells, if an alarm bell rang and a yellow light went on. We told him what that indicated and what he could do to find out what was wrong and if a red light came on we told him what trouble he was having there and what he should do to make repairs if he could, or anything like that.

In other words, he was the man that kept the engine going over the road, and for additional information, from April 10, 1950, I had an instruction car and I held classes on diesels, steam generators and air from Minneapolis to the coast at every terminal where we had any engine crews and we held three classes a day, morning, afternoon and evening.

Some of the evening classes were

devoted to the mechanical forces on the maintenance of the power, but we were pretty thorough in our instructions to the firemen.

Q Perhaps we had better deal with one question, the use of terms, Mr. Wade, with your assistance, before I ask you to draw the Commission's attention to one or two matters. How is the term "engineman" or "enginemen" used on your railroad and in your rule book?

A Well, "enginemen" is used in there and that applies to the engineer and the fireman, and if you will look in the book it separates the two crafts. The term "engineer" is used and the term "fireman" is used.

Q Nothing turns on this except to understand some of the rules and other things. I was going to point out some rules here but my friend says it is not necessary --

MR. SINCLAIR: As long as we know.

MR. LEWIS: -- which make that distinction between engineer and fireman and when they use "enginemen" they refer to both. The heading is "Enginemen" and it refers to both engineer and fireman.

THE CHAIRMAN: "Enginemen", plural?

MR. LEWIS: "Enginemen", plural.

THE CHAIRMAN: "Engineman", is that used at all?

MR. LEWIS: Not in the parts I have

looked at. I have not read the whole of the book, but in the rules I have looked at when they refer to the person that the C.P.R. calls an engineman they use the term "engineer" and in any of their bulletins when they say "enginemen" it is assumed it refers to both the engineer and the fireman. With that, I should like with your permission to file as Exhibit 242 instructions to enginemen issued by the witness when he was assistant general road foreman of engines, dated September 13, 1949.

EXHIBIT NO. 242 -- Instructions to enginemen dated September 13, 1949.

BY MR. LEWIS:

Q Without going into great detail, Mr. Wade, this was addressed to "All Enginemen", and I was right, was I, in informing the Commission that that would mean engineers and firemen?

A That is correct.

Q You set out there a few hints to enginemen when trouble is encountered. I will ask you a general question. Perhaps the members of the Commission may want to ask you for more detail. Did the instructions which you gave the engineers and the firemen cover the points which you mentioned in this bulletin to the enginemen dated September 13, 1949?

Did your instructions cover the points covered in this bulletin?

A That is right.

Q And did you or did you not expect firemen on the Milwaukee Railroad to know how to deal with the various troubles that may arise as indicated in Exhibit 242?

A That is correct. We did expect them to locate the trouble and make repairs, if possible.

Q As a matter of fact, Mr. Wade, you have informed me, and this will save time, that the General Motors EDM --

MR. SINCLAIR: EMD.

THE WITNESS: That is Electromotive Division.

BY MR. LEWIS:

Q Yes, I know. I just misplaced the initials. You have informed me that the EMD Division had a booklet called "On the Road, Trouble-Shooting", and did you or did you not distribute this booklet to your engineers and firemen?

A We did, yes sir.

Q And again I do not have enough copies to file it as an exhibit, but from your knowledge, Mr. Wade, would the matters that you covered in Exhibit 242 cover the matters that were indicated in the General Motors booklet?

A That is right.

THE CHAIRMAN: This would be a good place to adjourn.

--- The Commission adjourned at 12.30 p.m. until 2 p.m.

AFTERNOON SESSION

The Commission resumed at 2.00 p.m.

T.W.WADE, Recalled

BY MR. LEWIS:

Q At the luncheon adjournment we had just filed Exhibit 242 setting out instructions which you issued as Assistant General Road Foreman of Engines to engineers and firemen with regard to trouble shooting, if I may use that term.

A That is right.

Q Would that be correct?

A That is correct.

Q In that connection, Mr. Wade, have the firemen on the Milwaukee Railroad any duties to patrol the diesel engines?

A They have duties to patrol diesel engines in freight service and certain passenger trains that do not come under the watching rule.

Q In freight service are they expected to patrol engines while the train is in motion?

A Yes, sir.

Q Or not?

A They are expected while the train is in motion.

Q Before I or anyone else gets confused,

what type of diesel engines do you have? Are they car body type engines or are they hooded type engines on the Milwaukee?

A The majority of the diesel engines in service on our carrier right now are car body type. However, recently they have been purchasing the hooded type and they have them now in service on some portions of the railway.

Q With regard to the hooded type engine, are your firemen expected to patrol them while they are in motion?

A We are not.

Q With regard to the car body type, are they expected to patrol them when the train is in motion?

A They are, yes, sir.

Q And in this connection, Mr. Wade, has there or has there not been any change in the practice or instructions issued to firemen with regard to patrolling?

A There has been no change that I know of. I have not seen any instructions issued that they would not patrol, up to this time.

Q In the case of the hooded type, the road switcher type of diesel engine, you say firemen are not expected to patrol them while the train is in motion. Are they expected to patrol them at other times, such as standing in the station, or anything

like that?

A Yes, they are expected to check them, yes, sir.

Q If an alarm goes off, or some indication of trouble shows up in the cab while the train is in motion, is the fireman expected to do anything about it or not?

A You are still speaking of the hooded type?

Q Yes.

A Well, yes. If it happens on the leading unit, if it has more than one, or if it is alone, why, at a reduced speed they go out on the catwalk and make whatever adjustments are necessary.

Q If it happens on a hooded type engine which is not the leading unit in a multiple consist, if it is one of the trailing units, what is done?

A If it would be something that would happen that they could not handle their train, why they would stop and make the adjustment and then go ahead if it was in other than the lead unit.

Q Your road switcher type, that is the hooded type engines, are they equipped with walk ways from one engine to another, or not?

A They were at one time, but they are not now. They have taken the walk away, the walk in between the two.

Q Now, Mr. Wade, in this connection I would

like to file, Mr.Chairman, with vour permission, as Exhibit 243 a bulletin issued in Chicago on June 5, 1950, and signed by F.H. Allard, Assistant to Vice President of the Milwaukee Railroad, circular letter No.381. It indicates that it was a system-wide bulletin.

EXHIBIT No.243: Circular Letter No. 381 dated June 5, 1950.

MR. LEWIS: If I may at the same time, in order to save time, file as Exhibit 224 a bulletin dated May 11, 1954 from the Milwaukee shops, addressed to engineers and firemen and signed by W.W. Bates, Master Mechanic. I shall deal with both of them together very briefly, sir. It will save time to do it in that way.

EXHIBIT No.244: Bulletin dated May 11, 1954, signed by W.W.Bates, Master Mechanic.

BY MR. LEWIS:

Q I said, Mr. Wade, when I introduced these exhibits to the Commission that exhibit 243 would appear to be system wide. Was I correct in that?

A Yes, sir.

Q Exhibit 244, on the other hand, would appear --

MR. SINCLAIR: Exhibit 243 is not a bulletin.

MR. LEWIS: A circular letter. I called it a bulletin. As a generic term I think one of

them might still apply. It is a circular letter.

BY MR. LEWIS:

Q It is a circular letter that you agree would appear to be system wide. Bulletin, Exhibit 244, would appear on the surface, Mr.Wade, to be a local bulletin to some divisions only; is that right?

A That is right, sir.

Q Have you, or have you not seen bulletins in the words of Exhibit 244 for other divisions of your railway?

A Yes, I have. There were bulletins of the same type put out to men practically all over our railroad, signed by different district Master Mechanics, that covered a lot of territory. I do not know if you want the names of them men or not.

Q Let us look at Exhibit 243 for a moment, Mr. Wade. This is a letter, as my learned friend has pointed out to superintendents and Master Mechanics, instructing them to issue the bulletin which starts with the words "engineers and firemen", and the bulletin deals, does it not, Mr. Wade, with the duty of the fireman helper to be in the cab at all times when on a high speed streamlined or main line through passenger train and when the train is in motion, and then, main line through passenger trains are defined. Then there is this paragraph which is the third

paragraph of the bulletin suggested:

> "The provisions of this notice do not apply to multiple unit diesel-electric locomotives in any other class of service nor do they apply to straight electric locomotives in multiple-unit operation."

What from your experience and knowledge does this third paragraph mean?

A While I cannot find any bulletin that gives specific instructions to the fireman that he would patrol the engines while on the road, during the time that we were educating the fireman as to his duties we instructed him that he would patrol his engine at regular intervals while the train was in motion, and this circular letter dated 1950, I can recall that instructions were issued the same as the letter of 1950. They were issued in 1943 applying the rule on streamlined main line passenger trains making few or no stops. That was put out as early as 1943 on our railroad.

Q That would be a sort of watching rule?

A Rule, yes, sir. Well now, if I had paid attention to the former paragraph it says:

> "Referring to my circular letter of July 15, 1943 and Mr. Gillick's letter of July 23, 1943 concerning instructions --"

This is just a duplicate, that is what it is. It was a re-issue, as I told you before, of instructions that were given to patrol engine rooms.

Q This third paragraph to which I drew your attention, the provisions of this notice do not apply to multiple unit diesel-electric locomotives in any other class of service -- and the rest does not apply?

A That is right. In other words, what that meant was they were still expected to patrol their engine rooms in service except what is stated in the letter.

BY THE CHAIRMAN:

Q The first paragraph, under the words "Engineers and Firemen" relates to passenger trains only, is that right?

A Yes, sir.

Q And in passenger trains there will be no patrolling by firemen?

A On certain ones, sir.

Q Well, the ones that are covered by this document?

A That is right, yes.

Q I just wanted to make that clear.

MR. LEWIS: I am sorry. You will recall, sir, there is a watching rule with regard to this type of passenger train where the fireman is required to stay in the cab on his seat throughout.

THE CHAIRMAN: Has anybody told us, Mr. Lewis, or perhaps this witness can, why there would be patrolling presumably in the same type of diesel, single or multiple unit, when it is operating freight trains and no patrolling when it is pulling passenger cars?

MR. LEWIS: If I may put the question this way, sir, because it is not all passenger cars --

THE CHAIRMAN: Well, the first paragraph of Exhibit 243 is passenger.

MR. LEWIS: But I say it does not refer to all passenger trains.

THE CHAIRMAN: No, but to those passenger trains, then, to some passenger trains. I suppose it is passenger trains in the first paragraph of Exhibit 243 that go long distances at high speed?

BY MR. LEWIS:

Q Is that so?

A Yes, that is the reason, because they

were high speed trains, the trains mentioned in that paragraph, and they wanted him to be there for the safety in case something would happen to the engineer or something like that, there would be two men in the cab all the time on the designated trains in that first paragraph.

THE CHAIRMAN: There would be three men in the cab.

THE WITNESS: Two men in passenger service.

THE CHAIRMAN: But that is not my question. I am talking about the necessity of patrolling. Why in one case is it necessary and why in the other case is it not necessary?

BY MR. LEWIS:

Q What the Chairman would like some enlightenment on, if you can give it, Mr. Wade, is -- if I put it wrongly, sir, you will correct me -- is that since, in certain passenger trains, it is not considered necessary, apparently, that the engines be patrolled and the fireman is kept in the cab all the time when the train is in motion, why is there any necessity of patrolling engines in freight service or engines in other passenger services?

A Well, the actual necessity of patrolling engines, for what they are patrolled for,

would just as much apply to the trains mentioned in the first paragraph, the necessity for patrolling would be there, but they do not want a man out of the cab, and the reason for patrolling engines in other types of service is that the fireman, while he is patrolling engines, can detect trouble that is probably going to happen, like an engine would start to get hot or in checking the lubricating oil gauges he would see an engine that was losing her lubricating oil pressure, and defects that are liable to happen that he could stop from happening by patrolling his engine.

BY THE CHAIRMAN:

Q Those things would be just as likely to happen in one class of train as in the other?

A That is right, yes, sir.

BY HON. MR. McLAURIN:

Q Probably they only apply the watching rule to extra fare trains?

A They just apply it to fast trains where they do not want him out of the cab. The same thing can happen on a streamline train as can happen on a slow train. On the streamline trains the orders were, when anything happens, you would stop and then make repairs; then go ahead because

they wanted two men in the cab on those particular types of trains.

I do not know if the Commission understands this, but your watching rule was applied to all trains in the United States, not only on our railroad. Does that clarify what you mean?

THE CHAIRMAN: I think that is the best we can do with it at the moment.

BY MR. LEWIS:

Q You know that the watching rule was the result of a decision of an emergency board?

A That is right, it was a decision of an emergency board.

Q Do you know -- I may be wrong in my suggestion -- do you know whether or not that resulted partly from the request of your Brotherhood and the Brotherhood of Engineers for a third engineman, that is an additional fireman or an additional engineer to attend to the engines while there were always two men in the cab?

A I would not know about that. I was not a part of that agreement or the discussions or anything, so I would not be prepared to answer that.

Q On the streamlined through passenger trains mentioned in the first paragraph of the suggested bulletin Exhibit 243, is any patrolling done when the train stops, by

the fireman?

A Yes, there is.

Q Checking?

A Yes, there is.

Q Is he expected to make a check when these through passenger streamlined trains make a stop?

A He is, yes, sir.

Q So that -- this may be a little leading, Mr. Chairman, but if you will permit me -- so that the difference between the streamlined through passenger trains as to checking or patrolling and the other kinds of passenger trains or freight trains is that in the other kind of passenger trains or freight trains the fireman is not prohibited from checking or patrolling while the train is in motion if he can do so safely?

A That is right.

MR. SINCLAIR: I should like to suggest that we might keep the record straight if we used the word "patrol" for going through the units while en route and "checking" while stopped. I do not think they are synonymous, but the witness has answered that way.

THE CHAIRMAN: I suppose it would avoid some confusion.

MR. LEWIS: Yes, if I can remember, I will do that.

THE CHAIRMAN: As you said this morning, you are not infallible.

BY MR. LEWIS:

Q Mr. Wade, I shall rephrase it in the terms Mr. Sinclair suggested. On these through streamlined passenger trains, the fireman is expected to inspect the train when it is standing?

A The engine.

Q The engine, rather, when it is standing; whereas, in other passenger trains and in freight service, he is expected, in certain cases, to patrol it in motion?

A That is right.

Q And just to get it all together, Mr. Chairman, if I may summarize what the witness has said, in the case of the car body type of engine he is expected to patrol it while it is in motion and in the case of the hooded type of engine he is not expected to patrol it when the train is in motion?

A That is right.

Q But if an alarm sounds then he will go back while the train is in motion if that defect is on the lead unit road switcher?

A That is right.

Q But he will not go back while the train is in motion when the defect is in one of the trailing units?

A That is right; he will not go back there.

Q If it is necessary to make some adjustment in the trailing unit, road switcher, the train will stop?

A That is right.

Q Then, if you look at Exhibit 244 --

THE CHAIRMAN: I am just wondering, you say expected to go back in these road switchers. What do you mean by that?

MR. LEWIS: I am sorry, from one unit back to the trailing unit.

THE CHAIRMAN: Yes, clearly he is not supposed to do that. I suppose he is prohibited from doing that?

THE WITNESS: Yes, he is.

THE CHAIRMAN: But there is no going back on the lead road switcher?

MR. LEWIS: No, it would be actually going out.

M-2 THE CHAIRMAN: Yes.

BY MR. LEWIS:

Q If you look at Exhibit 244, Mr. Wade, again to save time, this seems to again repeat the same instructions with regard to the watching rule trains and sets out the numbers of them, the numbers of the trains. Again, the last paragraph says:

"The provisions of this notice do not apply to multiple unit

"diesel-electric locomotives in any other class of service."

The same explanation, I suppose, would apply to it?

A That is right.

Q This latest exhibit - 244 - was dated May 11, 1954?

A That is right.

Q Now, have you, with regard to this duty of the fireman to inspect or patrol, have you had occasion recently to find out whether he continues to have that duty?

A I have, yes, sir.

Q Would you tell the Commission the circumstances, please?

A On April 25 of this year I went to Kansas City, Missouri, to represent an engine crew that had violated a rule --

Q You said"represent them". Was this an investigation?

A Yes, sir, it was, an investigation being conducted by the carrier with an engine crew and train crew for violation of certain rules. The part of patrolling the engine room came out for this reason. At the time that the rule was violated, the fireman was back in the units, so I asked --

Q Excuse me a moment, were they car body type units?

A They were car body type, and he was on a freight train. I guess, probably, I will have to explain it in a little detail. We have Rule 15 in our book which is the torpedo rule and that says in there that on striking two torpedoes the train will proceed at restricted speed. When they hit the torpedoes, the engineer shut his throttle off, and when he did one of the engines stopped. It was not the lead engine, it was one of the engines back of the lead engine. He had four units. The minute the engine stopped, he got an alarm in the cab and he went back --

Q Who went back?

A The fireman went back and found that the engine was shut down. He knews that the engineer had to have that unit to handle the train that he had because they were coming into a grade. After they passed the torpedoes they came upon a fusee and the engineer went by the fusee four units and eight cars and the carrier had him in for an investigation for not stopping short of the fusee.

I asked Mr. Frank Corr, the Travelling Engineer --

Q How do you spell that name?

A C-O-R-R -- I asked Frank Corr, the Travelling Engineer of that division, if

instructions were still in effect that the fireman would patrol the engine while in motion or make any necessary adjustment while the train was in motion, and his answer to me was yes. So, it appears to bear out that they are still expected to patrol the engine room while the train is in motion.

Q Has any result come of that investigation yet, has anyone been disciplined?

A I asked him one further question. I said, Do you agree that the fireman was within his rights to be back in the units at the particular time the rule was violated, and he said yes. So, the fireman definitely cannot be charged with the rule violation.

Q Mr. Wade, by the way was a transcript taken of that investigation?

A There was, yes, sir. However, we have an agreement with the carrier that if discipline is going to be administered the General Chairman will be furnished with a copy of the transcript. To date I have not received any copy so I do not suppose there is any discipline for the fireman.

Q Mr. Wade, there has been considerable discussion before this Commission as to whether diesel engines deteriorate with age in view of the maintenance program and the replacement of defective parts. I would like you to give your comments on that, give your opinion, based on your experience with diesel engines, both as engineer, fireman and as a supervisory person?

A In my experience and in the handling of diesels, both on the shop end and running them and firing them, I am going to state that there is no doubt in my mind that the older a diesel gets the more trouble you have with it.

We have experienced that with our own railroad. I heard some discussion while around here in regards to the shopping of diesel power and

steam was mentioned and such things as changing out parts and stuff like that.

I do not think that the shopping program is much different today with diesels than it was in the day of steam because we change out parts on the diesels today the same as we changed out parts when we had steam engines.

We have had steam engines in service for 40 to 50 years on our railroad and I think I can pretty safely say that about the only thing that was left of that engine from the time she came to our railroad until she left probably was only the number, the rest of the parts had been changed out some time or other.

We are even within the law in making boiler repairs, in patching boilers. You can do certain things within the law on diesel power. I know that parts are changed out on diesels because I have seen them changed out when I was Master Mechanic at Aberdeen, South Dakota.

There is no difference. The older anything gets the more trouble you experience. You cannot get away from that. For example, with steam engines, at 50,000 miles we request authority to

put the engine through the shop. We know that when she first came out of the shop she performed a lot better than when we asked for authority to shop her at 50,000 miles because she was older.

The same thing applies to diesels. There is a maintenance program set up but certainly when they come close to the time for shopping you are going to have trouble with them.

Q I want to ask you next, Mr. Wade, about the lookout duties which a fireman has on your road. Has the fireman lookout duties on the Milwaukee Railroad?

A Yes, sir, he has.

Q And are they or are they not specifically provided for in your rules?

A They are, yes, sir.

MR. LEWIS: With your permission and for the same reason as I mentioned this morning, I should like to read Rule 923 at page 204 of the Milwaukee Operating Rules into the record:

> "Unless otherwise provided the fireman when competent may handle the engine under the supervision of the engineer, the engineer being responsible."

There is another paragraph which is not

relevant to the point I have in mind, but perhaps I should read it:

> "When engines under steam are left unattended, the valves must be centered, throttle tightly closed, cylinder cocks opened and straight air set; and in addition the wheels must be blocked where conditions require."

Then this relevant paragraph:

> "While switching the engineer and fireman must both remain on the engine and give close attention to the signals. The engine must be handled with great care while making couplings."

Then there is Rule 927 at page 205 which reads:

> "The engineman must frequently look back, especially while rounding curves, to observe the condition of the train. While passing through cities and towns and yards there must be no failure to keep a careful lookout ahead on both sides of the engine."

May I pause there to respectfully remind members of the Commission that the word "engineman" when used in these rules refers to both engineers and firemen.

THE CHAIRMAN: It might be of interest to ask if there is a lookout rule applying to the head trainman.

MR. LEWIS: Perhaps my learned friend could find something. I have not been able to find it. There is a section -- it may be in some of the general rules -- headed "Trainmen" which starts at page 195. Unless I have overlooked it, which is very likely because one works under considerable pressure from day to day -- I was not able to find any specific instructions of that sort for the trainman. I will look at it again.

MR. SINCLAIR: I will check that section if you want me to.

BY MR. LEWIS:

Q What has been the practice with regard to lookout by the fireman on your railroad?

A Well, we have endeavoured to comply with that rule to the best of our ability at all times.

Q Was that true in the old hand-fired engine days?

A Yes, sir, it was true when that book of rules was in effect. It was re-written in that year and we had very few diesels on our railroad.

Q Have you or have you not had experience

of cases where firemen were disciplined for failure to look out?

A I have no cases that I know of where they were disciplined.

Q Now, have the firemen on your railroad any flagging duties?

A He definitely does have. It is in the rule book.

Q I will read the rule into the record in a moment, but could you in general terms give the Commission your knowledge of when a fireman is expected to flag?

A Well, in the absence of the trainman he is expected to protect the head end. That is the way it states it in the rule book, in the absence of the trainman.

THE CHAIRMAN: What is that?

MR. LEWIS: If the trainman is not there.

THE WITNESS: I cannot quote the rule because I do not have that from memory.

MR. LEWIS: Just to finish with this before I read some of the trainmen rules. Rule 102 at page 51 --

THE WITNESS: Rule 99, third paragraph.

MR. LEWIS: I will deal with 102 first since I have mentioned it. It reads:

"When a train is disabled or stopped suddenly by emergency

"functioning of the air-brakes or other causes the adjacent tracks as well as the tracks of other railroads that are liable to be obstructed must at once be protected until it is ascertained they are safe and clear for the movement of trains."

Then Rule 99 which here, as in the Canadian Pacific rule book, deals with flagging, the third paragraph provides?

"The front of trains must be protected in the same way when necessary by the forward brakeman, fireman or other competent employee."

BY MR. LEWIS:

Q You said earlier, Mr. Wade, that in the absence of the brakeman the fireman had flagging duties and the Chairman wanted to know exactly what that meant. Why should the trainman be absent, for example? Where would he be?

A Maybe he was not riding on the head end; maybe he went back; maybe there was some reason he was back there or he may have had to do some work on the train. In case you had a hot box, if you had to set it out, or there might be some reason that he had to go back, instead of being able to flag, to help the train

crew or other members of the crew.

Q In that case, if he had to go back to set off a hot box, or I suppose to inspect the train if there was a general emergency to find out what was the trouble --

A That is right.

Q Then the fireman would carry out the duties imposed by the third paragraph of Rule 99?

A On my division when we are stopped because of the brakes being applied in emergency, that is the first thing the fireman does. He starts up to protect the other main line for trains coming from the other way. I would say that 95 per cent of the time that is what the fireman does because we handle from 125 -- I have had as high as 180 cars, and the trainman starts back to find out what is the matter. The fireman immediately goes ahead and protects movements from the other way.

In the first place the rear brakeman has to go out flagging when the train stops. If the head brakeman had to go flagging you would have nobody but the conductor to try to do something, and with 150 cars or whatever you have the hot box could be three cars from the

engine or three cars from the caboose. You would be unable to set out the hot box by one man if you had a train that long.

So the fireman automatically does the flagging. They also do it in passenger service. The fireman ducks right up the main line to protect the movement.

MR. LEWIS: Mr. Chairman, my learned friend suggests that under the heading of "Trainman" there are rules relating to trainmen and conductors, and he has referred me to Rules 852 and 854 which contain similar duties to those I have referred to in Rules 923 and 927 for the fireman.

MR. SINCLAIR: I was endeavouring to answer the Chairman's question as to whether there were any rules setting out the duties of the head trainman as to lookout. Those rules are 852 and 854.

MR. LEWIS: Rule 852 reads:

"Conductors must see that their trainmen are familiar with and perform their duties, instruct them if necessary, and caution them as to its risks; see that they are conversant with and properly understand and comply with the rules and special instructions, particularly those relating to protection of trains. Disobedience and incompetency must be reported."

Rule 854, to which my learned friend has drawn my attention, reads:

"Trainmen on duty when not engaged elsewhere must occupy the posts assigned to them. They will observe the position of all train order signals, be prepared to and pick up any messages or orders, keep a sharp look out for signals displayed by other trains and keep in mind all train orders and notices affecting the movement of trains so as to be prepared to call attention to or take necessary action in the event of any oversight or mistake.

Forward brakeman must frequently make inspection of train, especially on curves, and when practicable must keep a look out ahead, especially when engineer's view is obstructed.

The rear brakeman or flagman should be on the last car of the train or in the car next ahead when practicable and on passenger trains should get on and off at the openings between those cars. He must not, except where necessary, disturb the occupants nor ride in the observation end of observation or special cars except at times when that part of the car is not occupied.

When a passenger train stops the flagman properly clothed and with the

necessary flagging equipment must appear on the ground at the rear of the rear car prepared to provide protection as prescribed by the rules."

I think the first two paragraphs of Rule 854 do set out very specifically the trainmen's duties.

BY MR. LEWIS:

Q Now, Mr. Wade, I asked you some time ago if you would be good enough to obtain from the files of your Brotherhood in your possession or of which you could obtain possession, the record of cases of firemen replacing engineers for one reason or another while trains are in motion, and I should like you to deal with those cases. First, do you recall an incident of that sort in which you yourself were involved in May, 1951?

A Yes, I do. I was firing train No.16 between Milwaukee and Chicago, which is a streamliner. It was engineer Herman Hansen.

BY THE CHAIRMAN:

Q A diesel, I suppose?

A A two-unit diesel. The engines were 8A and B. About ten miles east of Milwaukee we struck a car and killed two people, and Herman was the type of man that just couldn't stand anything like that and he went all to pices. I have never known a man to handle an engine for Herman prior to that but I did

take it from there on into the Chicago Union Station because the accident is what bothered him. That was my own experience, and I have a case here that happened on May 7 of this year on my own division.

The engine crew was Coke Turner and fireman Baroni. They were departing on Train No.35, which is a suburban train running from Chicago to Deerfield, Illinois.

When they reported for work at 3.40 p.m. the engineer complained to the fireman that he was not feeling very good so the fireman suggested to him, "Why don't you sit over on my side and I will handle the engine?" The fireman was a promoted man so they did.

They left the engine track and were proceeding over into the coach yard to get their train and the fireman who was running the engine asked the engineer how things were over on that side and the engineer did not answer him. So he stopped and went over and Coke Turner was dead. He died on the seat box from a heart attack.

So the result of that was that they ran over and got a man that was in the hostling service and he fired for Baroni for the return trip to Deerfield that night. Of course, after they had removed the engineer they went ahead and made the trip, and of course, that could have happened while you were moving

on the road just as well as it did while he was moving in the yard. That was May 7, 1957.

Q I also asked you --

THE CHAIRMAN: Excuse me, it would be interesting to know whether or not on this railroad they have dead-man control.

BY MR. LEWIS:

Q Do you have dead-man control in freight service on the Milwaukee?

A No, we don't and we don't have dead-man control on this type of engine that was being used that day.

Q What do you mean by the second part of your answer, even if it were used in passenger service?

A That is right. There is no dead-man control on this particular type of engine and the engine was No.2434. That is a GP-9, general purpose engine.

BY HON.MR.McLAURIN:

Q Do you have dead-man control on the Hiawatha?

A Yes sir, we have, but this is a general purpose engine used in freight or passenger and there is no dead-man foot pedal on there.

THE CHAIRMAN: "General purpose" means road switcher, does it?

MR. LEWIS: Yes, sir. I think in the United States and I think perhaps here too they refer to them as jeeps, G.P.'s.

THE WITNESS: Of course, the G.P.-9's we have in that kind of service, they have a boiler on them too to supply heat for the train.

BY MR. LEWIS:

Q A steam generator?

A Steam generator, I should have said.

Q Which we were told if you carried on the engine while it is in freight service is kept on stand-by, the steam generator?

A No, we don't keep them on stand-by. We drain them.

Q Now, as the Chairman has raised the question of dead-man control, did you never have dead-man control on engines used in freight?

A Yes, we did at one time. If I remember right, when we bought the first freight diesels, they were called the FT type, General Motors, and we bought them about 1940 and they did have a dead-man control on there but they have been removed. I couldn't tell you just what year but I know -- I would say offhand they have been removed for seven or eight years.

Q You mean the dead-man control has been

removed?

A Yes, on the freight engines. However, in passenger service we still have them except on the G.P.-9's.

Q Now, I also asked you for the information of the Commission to get some information with regard to fires on diesel engines. Would you tell the Commission first of an experience that you have informed me you yourself had in 1955 on train No. 24, a passenger train?

A Yes. I was firing train No. 24, engineer Raschke, and shortly after I left Milwaukee I had a flash-over which caused the ground relay to kick out, lost the power.

Q How many units?

A Two units. This was on the lead unit. So when I set the ground relay I watch, which is a practice of mine, to see if everything is all right because I know that flash-overs can cause fires, and I went back up into the cab.

BY THE CHAIRMAN:

Q You were stopped?

A No, the engine doesn't stop. When the ground relay kicks out the engine goes to idle and you lose your power.

Q But when you said you went back up into the cab I assumed the locomotive was stopped?

A No. We kept right on going. We had two units.

BY MR. LEWIS:

Q May I interject here? These units were the car body type?

A That is right.

Q I should have remembered to ask that.

A I should have remembered too, but in none of our passenger service that I know of do we have anything but the car body type in passenger service.

Q But the Chairman would not know that.

A No, that is right. I am sorry.

THE CHAIRMAN: Perhaps I should.

MR. LEWIS: No, I am not sure that you should.

MR. SINCLAIR: I think that what is ringing in your mind is that in the exhibit train No. 24 is specified in that the fireman is not to leave the cab.

THE CHAIRMAN: I consciously do not have that defence, Mr. Sinclair.

THE WITNESS: We were going right along. The ground relay did not kick out again and I thought I smelled smoke and I opened the door to look back and the whole unit was on fire. What had happened was that I had a main generator flash-over, and you have a pit underneath the main generator and it is recessed and it has a hole in it to drain any material, any liquid, that you would get in there, anything like that, lubricating oil or

anything else, and this was on fire and the lubricating oil also was dripping from the hole onto the fuel tank and the fuel tank was all on fire.

I told the engineer to stop. In the meantime I had hollered at him to stop. We got stopped and I fought the fire for 35 minutes. I kept it under control the best I could and I finally had to give up and it was not burning too bad then, so I said to him to go on in to Roundout and we would have to get the fire department from Liberty-ville, which was a distance of about three miles.

We did so and the fire department came over there and I told them not to use any chemicals, that all they would have to use was water pressure to get rid of the material that was burning, and it was nothing but lubricating oil and grease that had accumulated on the engine.

So they got water pressure on it and washed out the oil and naturally when it ran out of stuff to burn the fire went out and this unit was laid up for quite some time due to the fire and I was unable to work back. I dead-headed home that day because when you are back in the units and get the smoke from oil and then also these chemicals it doesn't do much for you. I will tell you that.

BY MR. LEWIS:

Q Just out of interest, you informed me --

BY THE CHAIRMAN:

Q Before leaving that, Mr. Lewis, where did this material that was burning come from, Mr. Wade? How long had it been there?

A Well, I couldn't tell you that, sir, how long it had been there, but certainly it must have been there a long time due to the amount that was in the main generator pit and all around the floor. It was lubricating oil that had been leaking from the engine itself and probably -- well, I don't know whether it came from there -- probably some of it from the air compressor which is right ahead of the main generator.

Q Well, you said both oil and grease?

A Well, maybe I shouldn't have used the term "grease", but I used it that way because when oil hardens it looks practically like grease. You can take it off in layers.

Q You mean this material had been there for some days or weeks?

A It had to be there that long. It was a case of let us call it dirty housekeeping.

Q You had not seen it yourself before it took fire?

A No -- well now, there was lubricating oil on the floor and different places.

Q But you had not noticed this condition?

A No sir, I did not.

Q Was it something that the shop staff should not have allowed to accumulate?

A That is right. As soon as we got the place cleaned up with the water pressure -- that is the only way you can get it out of there -- and got it off the top of the fuel tank, the oil, there was nothing left to burn so the fire went out.

Q I follow it perfectly.

BY MR. LEWIS:

Q Then, you had a little experience in February of this year as a passenger on your railroad rather than as a fireman or engineer. Would you mention that?

A Yes. I had been up to Wausau, Wisconsin, representing another engine crew that had been in trouble and I was on my way back to Chicago and I was riding train No. 2, which is the Hiawatha, between Minneapolis and Chicago. We stopped at a town called Watertown, Wisconsin, and we got about a mile out of there and stopped and started to back up. The conductor knew I was on there -- I have known him for years -- and he came back and he said, "Tommy, the whole diesel is on fire up there. Maybe you could get up there and give them some help." So when we got stopped I went up there and the unit was all ablaze. It was the lead unit. They had four units on their train.

The engineer was on the ground; the fireman was up in the engineroom. Pretty soon he came out of there; he could not see any more because so much smoke from oil and said, "I don't know what we are going to do." In the meantime, I do not know who had called the fire department, but they showed up and they started to fight the fire with chemicals. I should say, then, that the oil again was dripping out of the main generator drain pit on to the fuel tank and that was all on fire; it was an identical fire that I had had on train No.24. All they had was the chemical truck there so I said to the fire department, I said, "Who is the boss around here?" and he told me, pointed the man out to me. I went over to him and I said, "You are going to waste your time with these chemicals; get some water pressure here and I will show you the way to fight it and we will get the fire out." It was not very long that the water truck came along. He said, "What do you want us to do now?" I said, "What you have got to do is get a hose inside that unit, get a mask on." I showed him where the fire would be. I said, "When you get the oil washed off in there and clean the fuel tank you won't have anything more here to burn and your fire will go out." That is exactly what

happened.

The unit was in such a condition you could get no more power out of her or anything; she did not have any electricity in her to pull the three trailing units, she had burned so bad. The only thing that you had left that you could use in that cab was the air brakes. Naturally it did not affect them. So we had a crew there. That was a watching rule train. So the conductor and the engineer asked me what could we do, we got to get her in, so I said to him "Well, we won't worry about that; I will go back and I will run her from the rear end." So I ran the train from the rear unit, the fourth unit. I operated the trailing units from the operating end of the trailing unit and shoved them into Milwaukee, which was a distance of about 36 miles, I would say. That happened this year, February.

Q Then, you remember an experience you had with fire on a diesel about 1952 when your engineer was Bill McDonald.

A That is right; I was on train No.9, engineer McDonald, Engine 14A and B, and I had had a flash over some time during the trip and I had watched the engine for a period of time to see if there was any fire that was going to result from it, and we were just about, oh probably 15 miles from Milwaukee when I felt a little restless about it

and I again went back and watched. The fire was burning; the smoke and flames were coming up through the high voltage cabinet on the No.2 end engine on the 14A and it developed that the flash over came from the traction motor and that is what was burning, and we had quite a time getting it out. However, we did get the fire out that time and I took that engine off the line to not have any more juice going into the traction motors, and we proceeded on into Milwaukee.

Q Did you stop?

A Yes, sir, we stopped.

Q The train.

A Our orders are there if we have a fire that we will stop because with the movement of the train, why, you are just creating more draft to feed the fire.

THE CHAIRMAN: We will have a break.

-- Recess.

--- After recess.

BY MR. LEWIS:

Q Then, Mr. Wade, you informed me of some three recent fire incidents which you know of through your files, and I would like you very briefly to refer to them. Do you recall the one dealing with fireman Swanson on May 5 of this year?

A Yes, sir, this fireman Swanson was on Train No. 264.

Q Is that a passenger train?

A That is a time freight. He had five units, the lead engine was 85-C.

Q Were the units car body type?

A Yes, sir, they were car body type. While making his regular inspection he found that 85-C was on fire. The fire was from the floor to the ceiling. He hollered to the engineer to stop at what is known as Tower CK, and call the fire department. When the fire department got there fireman Swanson had already extinguished the fire.

Q Then, this same fireman, you informed me, had a similar incident on May 8 of this year?

A Yes, fireman H. Swanson was on Train No. 63.

Q What kind of train?

A I was going to say this was a time freight

and he had three units.

Q Is this what we have called a symbol freight, that is, a freight that is on the time card?

A Yes. We call it a time freight. He had three units, car body type, and the lead engine was 107-C.

As he was looking back over his train -- for the information of the Commission I might say Train No. 63 is running over the division most generally at night -- he saw a reflection in the rear unit and went back and the rear unit was on fire. Naturally, the engineer stopped and Swanson got the fire out and they proceeded to the home terminal with the two units that were still good.

Q Then, do you recall from your files an incident in April of this year which happened to fireman S.O. Jerome?

A Yes, sir, S.O. Jerome was fireman on Train No. 56, a passenger train, one of the Hiawathas that runs between Chicago and Minneapolis. Fireman Jerome got on the engine at Milwaukee, which is where he starts to work. He runs from Milwaukee to Lacrosse and during the time that he was making his inspection while the train was standing at the depot he discovered a fire on one of the B units. They had three units and the B unit would be the

middle one. He managed to get the fire out while standing in the depot at Milwaukee. They had orders to proceed to the shops, about three miles away, and they gave him a new engine at the shops and took the one off that had burned.

The Superintendent of Motive Power informed my committee, when they met on the 1st of May in Chicago, that the result of the fire was a crankcase explosion caused by a broken piston liner.

Q You said the result of that and you meant the cause?

A I meant to say the cause of that fire was a crankcase explosion resulting from a broken piston liner.

Q I had a page number noted in my notes, I thought, and I cannot find it. I hope I do not misrepresent Mr. Kiley, your President, but I have a very vivid recollection in my cross-examination of Mr. Kiley, referring to one of the fires, and I pointed out to him from my report of the Bureau of Inspection that the man who was injured had probably been in there trying to put the fire out, and that if he had not attempted to put the fire out he would not have been injured. I asked you to read Mr. Kiley's evidence, and do you recall something like that in that evidence?

A Yes, sir, I do.

Q If you were obeying the rules of your railroad, Mr. Wade, is it possible for the engine crew not to take steps to try to put the fire out?

A The rules in our book, I think Rule L-5, states that in danger to company property crews will unite to protect it and that fire is a danger to company property. There is another rule in the book, Mr. Lewis, that deals directly with fires.

Q This is Rule 726 at page 186 of your rule book, and I may read it and you tell me whether this is what you have in mind:

> "Every precaution must be taken to prevent loss and damage by fire. The rules and instructions governing fire prevention and fire protection must be fully complied with."

Then it goes on to say about the importance of reporting fires and so on?

A Yes, that is the rule I am referring to.

Q Then, a reading of Rule L, to which you referred, it is on page 5 of your rule book and Rule L in Exhibit 27, Mr. Chairman -- they read very similarly -- Rule L in the witness' rule book or the rule book of the witness' railroad reads:

"In case of danger to company's property employees must unite to protect it."

Rule L on page 4 of Exhibit 27 reads:

"Employees must always be vigilant to protect and must promptly report anything detrimental to the company's interests and in case of danger to the company's property must unite to protect it."

The rules are very similar.

What duty have you understood Rule L on page 5 and Rule 726 on page 186 of the Milwaukee Railroad Operating Rules, what duty does that impose on you as fireman or as engineer in case of fire on a diesel unit?

A I took it for granted it means I will do everything possible to put the fire out to prevent any further damage. I think it is my duty.

MR. SINCLAIR: So there will be no misunderstanding, I have turned that up, the evidence of Mr. Kiley, and it is in Volume 29, pages 4107 and 4108. I think in fairness to Mr. Kiley, I know my friend Mr. Lewis would want to read that.

MR. LEWIS: Yes, I will be glad to read this, Mr. Chairman. It starts in the

middle of page 4107. I asked Mr. Kiley:

"Q. And as President of your railway would you not think it was worthwhile protection for you and for the employees?"

That was the discovery of the fire and doing something about it. Mr. Kiley's answer was:

"A. If you take the number of fires we have had over the years and take the injuries, if any, that resulted from those fires, from an economic standpoint there is no justification for it, and I do not believe that we have had any injuries that resulted from any fires on these locomotives.

Q. I cannot tell you the extent of the injury, Mr. Kiley, but with respect to the two cases I have just mentioned to you, in each case the report said that one person was injured?

A. My guess is in those cases -- you were talking of a crankcase explosion?

Q. One was a crankcase explosion?

A. That is something where the fire results after the crankcase explosion and the injury would

"come from the crankcase explosion, not from the fire.

Q. One was a crankcase explosion and the other one was a fire in the engine room of the unit?

A. My guess he was injured trying to put the fire out. If he had stayed away he would not have been injured.

Q. That is your guess?

A. That is right.

Q. But if he succeeded in putting the fire out, Mr. Miley, at injury to himself, which frequently happens, he may have saved your company some considerable cost?

A. We do not measure cost in connection with injuries. Our rules provide that the men are to conduct themselves safely under all circumstances."

Then, he goes on --

MR. SINCLAIR: It is the next two.

MR. LEWIS: I did not stop reading deliberately. I just got tired. I will read more if my friend wants me to.

"Q. I appreciate that, but if your guess about his getting injured

"while trying to put the fire out is right --

A. I admire him for trying to do it but I do not think it is a very good practice to risk injury, any serious injury, in trying to save monetary loss.

Q. But it is not only monetary loss that is involved in a fire, is it?

A. Well, you take any fire in a diesel locomotive. It is monetary loss because it is not likely that any fire would result in so damaging the locomotive that it would cause a derailment or a wreck."



BY MR. LEWIS:

Q I wanted to direct your attention now to the question of the fireman's alertness in averting accidents. Do you have any knowledge of any such incidents? You have told me that you have and I would like you to put on the record if you will the knowledge of an accident that occurred to Fireman Edgar Dove. What was the date of that incident?

A That was January 11.

Q What year?

A 1957.

Q This year.

A Fireman Dove was called to fire on a freight train at Latta, Indiana. His engines consisted of three units, 24, 85 and 86. When they hooked onto some cars and started to pull them on one track -- I don't know the number of it -- to double over, a brakeman came out of the yard office, as I understand it, and tried to get on one of the diesel units. This was on the opposite side to where the other train crew was and the engineer. Fireman Dove seen the brakeman make an effort to get on the diesel and something happened, whether he missed his footing or did not get hold of the grabiron; anyway he slipped. The fireman seen him

slip and hollered at the engineer to stop. However, before they did get him stopped they dragged him far enough that they tore all his clothes off except his shoes and stockings. On May 6 Local Chairman Morris went to see this man. He was at the doctor's office and he is still not back to work. That incident was on what we call the Southeastern Division.

Q Then have you any others? What is the next one you have before you? I see you have some notes.

A This was at Kansas City, Missouri. Engineer J. A. Antrim and Fireman D. W. Taxler, Engine 1665.

Q What was the date of that occurrence?

A March 28, 1957. This crew was in yard service and they were switching over what is called the Henning Crossing. This crossing is protected by a crossing flagman; that is a man with a red lantern at night or a flag by day. It is protected 24 hours a day.

Q By a man specially employed for that purpose?

A That is right. They started to move across the Henning Street crossing and Engineer Antrim was looking ahead because the brakeman who was up in

front was going to line a crossover so that they could go through. One trainman was riding the footboard and so Engineer Antrim's eyes was not looking down Henning Street.

The fireman looked across and seen a car coming down the highway at a high rate of speed and he hollered at Antrim to stop. Antrim got the engine stopped by using the engine brake and the automatic brake valve in emergency.

When he got stopped the car had room enough to get between the front of the engine and the crossing watchman's shanty. The crossing watchman had to jump out of his way or he would have got hit. If the engine would not have stopped when it did the car would have struck just about the front steps where this one trainman was riding. Due to Fireman Taxler being on the job, why he got a very nice letter from the superintendent commending him for stopping that accident.

Q What was the superintendent's name?

A R. H. Love.

MR. LEWIS: I just could not resist putting that on the record; since we have Fireman Dove I thought we ought to have Superintendent Love.

BY MR. LEWIS:

Q Have you seen that letter?

A I have it here in my hand.

Q Have you another incident of averting an accident?

A Yes, sir, I have. On February 25, 1956 -- I do not have the name of the engineer -- the fireman was M. Vaa, Engine 1830, at Racine, Wisconsin.

Q Was this a road or yard job?

A A yard job. The weather was bad, snow and ice, and during their movement they had to go over a crossing. There are numerous crossings in that particular yard. The fireman seen a car approaching from his side. He knew he wouldn't get stopped so he hollered at the engineer and the engineer got the engine stopped. When he did the car hit the left-front corner of the engine and was spun around and stopped on the other side of the crossing on the right side of the engine.

There was two people in the car. If the engine would not have stopped when it did why the car would have struck some place around the middle of the diesel unit or to the rear of the centre.

Q Then finally you told me you had information about an incident that happened to Fireman E.L. Close?

A Yes, sir. That was on May 26, 1957, Engineer A.W. Lee; Fireman E.L. Close; Train No. 26.

Q What class of train was that?

A That is a passenger train, No. 26 that runs between Kansas City and Milwaukee, Wisconsin. Engine 18-A. The incident happened at 2.40 a.m.

It seems the train was running a little late and the engineer was checking the time card and his watch to see just how late he was. In the vicinity of Buffalo, Iowa, our railroad uses the Rock Island road. It is a joint track and it is a double track.

Fireman Close was looking ahead and he seen a car on the track. Engineer Lee was not looking ahead. He hollered at the engineer. The engineer immediately set the brake and he slowed the train down fast enough from 69 miles an hour to allow one man to jump out of the car and push it off the crossing.

They missed hitting the car by about six inches. There was four people in the car. If Close hadn't hollered at the engineer and the engineer would not have applied the brakes, they definitely stated to me

they would have struck the car.

BY THE CHAIRMAN:

Q Was that a road engine?

A Yes, sir, that is a passenger engine, car body type.

BY MR. LEWIS:

Q Mr. Wade, on the basis of what you have informed the Commission and on your own experience I would like you if you will to express your opinion as to whether firemen or helpers are or are not useful for safety or efficiency of train operation in yard and road freight service?

A My opinion is that the fireman is necessary on a diesel engine for one particular reason that I think everybody is interested in, and that is from the safety standpoint. They preach Safety First on our railroad; it is the Golden Rule for us. If you get injured you have to have a pretty good explanation for getting injured.

There is cases upon cases -- I just brought a few with me -- that I have got on file in my office where firemen have been instrumental in avoiding side swipes, running over trainmen and over people that are walking around the yards.

We have three big yards on our railroad, Minneapolis-St. Paul, Milwaukee and Chicago, and everyone knows that people use railroad property to trespass on. That is happening every day.

I do not think that the cost of a man on the engine can be measured in any way if he is instrumental in averting any kind of accident or if he is instrumental in preventing hitting a person or injuring them or killing them. I think that is one of the reasons that he is very important.

Another way he is important is the practical side of railroading. A man on the left side of the cab is necessary in lots and lots of cases. Maybe we can place a man here and place a man there and get signals from the trainman to the engineer, but when you try to do that I think the practical side of railroading is gone.

The fireman is over on that side; the trainmen expect him to be over there and they do their work accordingly. They have got so they rely on the fireman.

Another thing is that the fireman along with the engineer -- the engineer has all he can do to concentrate on his own work. Nowadays with the tremendous

speed we have on our passenger trains and on our freight trains -- the days of handling 40 and 50 cars are over as we are handling anywhere from 125 to 200 cars. The engineer has all he can do to think about his orders, to concentrate on his signals, to watch the order boards.

The trains that you are handling today, you have to be very careful handling them. So when anything happens with any of his engines he relies on the fireman to go back and make whatever adjustments he can to get the train moving because nowadays you need every unit that they give you because they will put every car on behind these units that they will haul. Very seldom can you lose a unit and still handle your train.

We have several duties set out in our rule book that states that the fireman will remind the engineer of train orders, meets and everything like that. There is nobody that might not forget at some time or other. You have the additional importance that he is there to remind the engineer of any slow order or anything affecting the movement of his train.

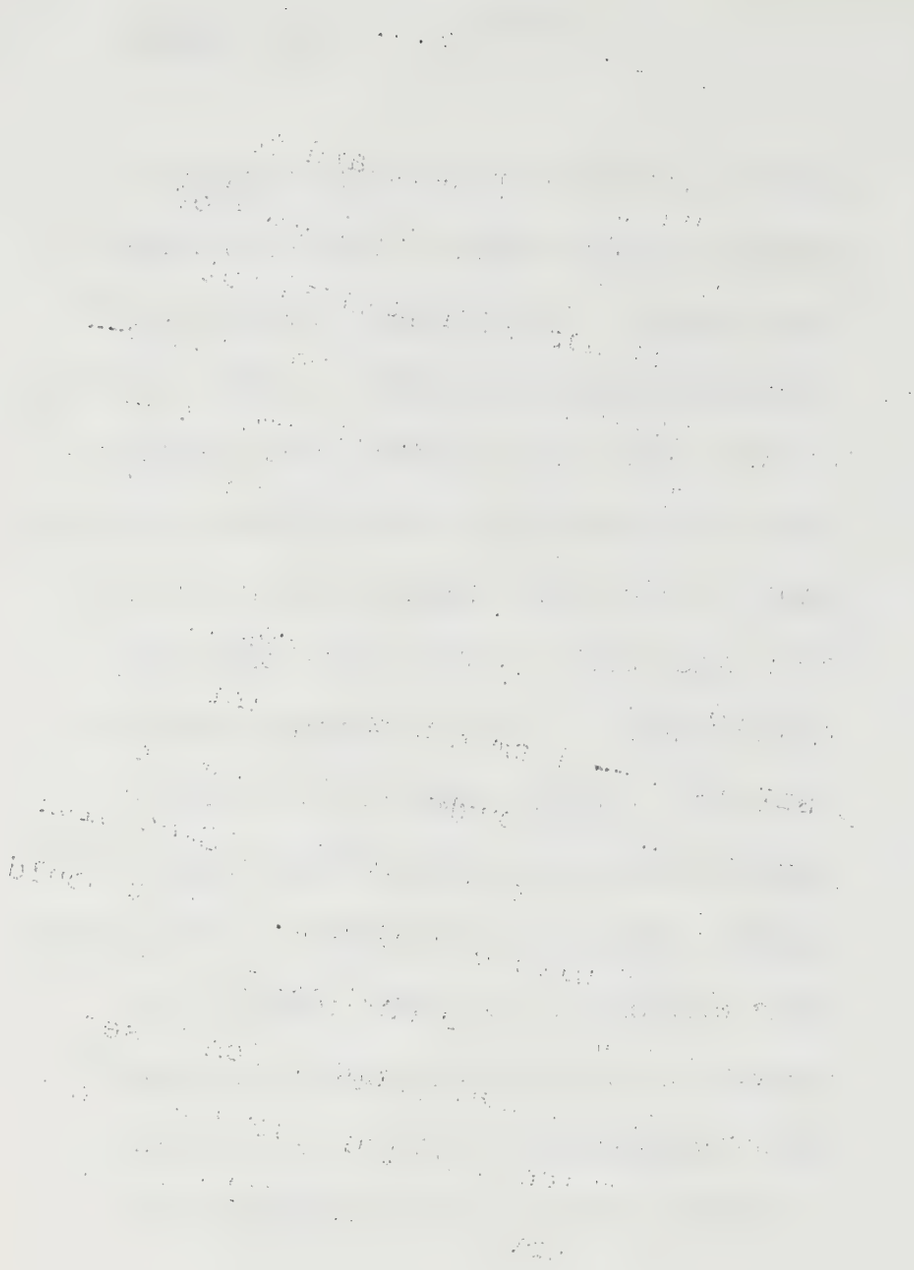
Q May I take you over one or two of the

points you have made with regard to having another man on the left side of the engine. It has been pointed out to this Commission that in yard service-- we will deal first with yard service -- the obligation for controlling the movement of the yard engine is on the yard crew and that if they were properly positioned -- I am not going into the details -- they ought to be able to control the movement of the engine with safety and with efficiency. What would your comment be or what would your answer be to that proposition based on your experience in yard service and in railroad service on the Milwaukee?

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A Well, I just don't understand the firm putting trainmen in the proper position because -- are you just referring to yard service?

Q Yes, at the moment I am dealing with yard service only.

A In our yards, as I stated before they are big yards and you only have two switchmen and a foreman. They are making couplings and cutting off cars on curves and most generally it has always taken three men to perform the work back of the engine, let alone having one up in front to direct the engineer around, and how could a trainman if he was standing one or two cars back of the engine protect the engineer on the engineer's side from somebody coming down the lead or cars running out of a track that is going to run into you or that you are going to run into with a cut of cars?

I cannot see the safety standpoint in that because many a fireman has hollered at the engineer, "Look out, cars are coming down on us", or "Look out, somebody is coming out of such and such a track and we are going to sideswipe them." That happens every day, that a yard fireman is making those comments to an engineer.

Q And then for road freight service, Mr. Wade, if I remember Mr. Kiley stated,

and if he did not certainly other witnesses did, that the fireman on the head end of a freight train is merely duplicating the look-out and similar functions, look-out and inspection functions that are performed and that are intended to be performed by the head end brakeman who also sits in the cab of a freight locomotive. What comment, if any, would you have to make on that?

A Well, I suppose if there was only one man in the cab and everything was going along all right, nothing to worry about, no hot box, no draw-bar failures or no work to do or anything like that, that would be all right, but none of our trains today are exempt from trouble on the road and with the length of our trains I don't know how the performance would be anything up to common sense when you try to set out a car 180 cars back from the engine with one man. I don't know how you could do it and when you -- when you gave me your question, Mr. Lewis, were you just meaning as far as looking out was concerned, that this trainman could duplicate that fireman or which is duplicating what the trainman could do? You were not referring to anything in regard to the locomotive in that question?

A No, I was dealing merely with the look-out matter. Q. Then, a third suggestion has been made in evidence to the Commission, Mr. Wade, that, first, the fireman can do very little if any trouble does develop on a diesel locomotive because the locomotive is a pretty heavy but delicately manufactured instrument and, secondly, that the engineer can do it, stop the engine and make whatever adjustment can be made by the engine crew, and the fireman therefore in that respect would be superfluous. Have you any comment on that?

A Well, I am going to say this, that I have been an engineer on a lot of long freight trains and to me the fireman has been what I will call my right arm. He has got me over the road many and many a time with the things that have happened back in the units and if it would not have been for him you would have to stop every time something happened and try to make an adjustment and then go back in your cab and start your train again. It would be quite a chore for one man. I will tell you that.

For example, I am just going to tell you what could happen in one particular case. We will say you get a ground relay which is a protective device for the

electrical equipment, and the instructions from the manufacturer were that you will try that ground relay three times. If it does not stay in after the third time you will isolate the engine and not try to use it any more.

We will put a man out here on the railroad with 180 cars and he gets a ground relay. He stops and goes back and sets the ground relay, goes back up and starts it again and gets his train rolling a mile or a mile and a half and she kicks out again. He has got to go back and do the same thing. Them are the things that the fireman is performing today that is keeping trains moving on the railroad. They are doing a job of railroading, in other words. That is what I am trying to say, whereas if one man was running on an engine I don't know how he could do it.

I am going to say that I think I am pretty familiar with the diesel engine and I wouldn't want to be out alone with the drags we are pulling today. Firemen do a good job on our railroad of keeping things moving in passenger as well as freight.

Q Well, it is freight that this Commission is concerned with since there is no suggestion that firemen be removed from

passenger trains.

A Yes, I know that.

MR. LEWIS: That is all the questions I have, Mr. Chairman.

THE CHAIRMAN: Do you want to start in the morning or do you want to start now, Mr. Sinclair?

MR. SINCLAIR: It is up to the Commission.

THE CHAIRMAN: No, go ahead.

MR. SINCLAIR: I was wondering if I could finish.

THE CHAIRMAN: Oh, very good. Do not let us discourage you.

MR. SINCLAIR: I thought I could be fairly short.

THE CHAIRMAN: All right.

BY MR. SINCLAIR:

Q Mr. Wade, you are familiar with electric locomotives?

A Are you talking about straight electric?

Q Yes, electric traction?

A Not too familiar, no.

Q Do you think that a fireman or a helper or whatever you want to call him or two men are necessary in the cab of an electric the same as on a diesel?

A Yes, I do.

Q Do you think you need three men in the cab of an electric in freight service?

A I do, yes.

Q Have you ever seen a railroad not having three men in freight service in these big electrics?

A Not a class 1 railroad, no. I don't know of any.

Q What do you call a class 1 railroad, one that is represented by the Brotherhood of Locomotive Firemen and Enginemen? That is a class 1 railroad, is it?

A No, I wouldn't say that. Maybe we haven't got a contract on a lot of them, Mr. Sinclair.

Q But if you represented them they would be class 1 roads?

A Well, they would be a favourite road of mine. Let us put it that way.

Q Now, you mentioned ground relays. Is it your experience that you have more ground relays in high speed passenger service than you do in other types of service?

A I didn't say that.

Q I am asking you, is that your experience?

A That I have more in --

Q In high speed passenger service than you do in other classes of service, ground relays?

A No, because your passenger engines operate either in high speed or in local service and of course your freight trains operate in freight service. I would say it would be about even as far as I am

concerned in my experience, Mr. Sinclair.

Q We have had some evidence here and some studies that showed that ground relays are found in high speed passenger service to a greater extent because of the jumping of the commutator brushes on the traction motors. That has not been your experience?

A Oh yes, we have a lot of ground relays on our division. It was 100 miles an hour. Now we are cut down to 90 and over rough spots we would get ground relays because the brushes would jump off the armature.

Q That is what I am saying to you, and so you would have more in high speed passenger service?

A On that condition, yes.

Q As to these fires, Mr. Wade, you will agree that these accumulations that caused these fires, with the exception of one I think you mentioned, arose from allowing the locomotives to get dirty in the first place and then some unusual flash happening that could not be anticipated?

A Well, of course, the flash could not be anticipated and you are correct when you talk about the fire burning longer because there is an accumulation of oil and dirt. That is correct. However, that isn't the only thing that will burn. Your cables

will burn.

Q The ones you mentioned were that sort?

A Yes, they were caused from the flash-over of a short in the electrical system. That is right.

Q And the reason the fires burned, as you have said to the Chairman, was that the housekeeping was not in good shape?

A I think I stated that also.

Q Now, as you say, people forget, Mr. Wade, and I was wondering if you had not forgotten about the hand-firing days and the Mikados and how you instructed people when you were fuel supervisor, how they told you about your instructions?

A How they told me what?

Q What the effect of carrying out your instructions was. Do you remember how you used to instruct firemen to fire when you were fuel servisor on the Milwaukee?

A Yes, on the steam engine, yes, sir.

Q How did you tell them? Did you tell them to throw in three or four scoops at a time, never mind about anything else, your job is down there and stay down there and though it takes a longer time to do it this way don't be throwing in big gorges?

A I instructed them how to fire to keep steam on the engine and also obey the rules in regard to being on the seat going over

crossings at grade, through stations and where order boards are or where the engineer's view was obstructed on a curve, if possible.

Q If possible?

A Yes.

Q You did tell them though to use a light fire, didn't you,and save coal?

A Oh yes, that is right.

Q And not to throw in big gorges?

A That is right.

Q And, as a matter of fact, you know, Mr. Wade, that in firing Compounds or Mallets or Mikados the fireman was on the deck very close to 100 per cent of the time on heavy loads?

A There, Mr. Sinclair, I couldn't answer you because I never had experience on Mallets or "Makadoos" or Compound engines.

Q Makadoo is very close to the firemen's hearts, I know.

THE CHAIRMAN: We might compromise on Gilbert and Sullivan.

MR. SINCLAIR: There is a very famous wage award, the McAdoo award.

THE WITNESS: Probably that is what I had in mind.

MR. SINCLAIR: Yes, I am quite sure it is.

BY MR. SINCLAIR:

Q Now, on a stoker it required pretty constant

attention by the fireman, didn't it, when you were going over the road?

A I wouldn't say so, no.

Q I have a little piece of evidence here by a fireman by the name of C. D. Maxwell.

"Q. From your comparison, the work of an engineer, do you mean to say that the fireman is required to be attentive at all times to a stoker and to its order?

A. Yes.

Q. He has to be attentive to it?

A. Yes sir. There is no time that he can get away from the fact that he is responsible for the performance of the whole engine due to the fact he is a fireman. That is with reference to the keeping up of steam and taking care of his fire and that sort of thing."

Would you disagree with fireman Maxwell?

A Is he inferring there that his duties on a stoker, that it is confined to the stoker and the firing of the engine so much he cannot look out of a window?

Q I just read you what he said. He has to be attentive to it all the time?

A I don't know what he meant there because I fired many and many a stoker.

Q I have just read what he said.

A I do not know what he means.

Q He has to be attentive all the time.

A I fired on many a stoker. On any type of stoker that I have ever had I have never found where I had to take my eyes off the track ahead, only secondarily, only momentarily, just to glance at my gauges, my water glasses; I never had to perform the way that man said.

THE CHAIRMAN: Is that all, Mr.Sinclair.

MR. SINCLAIR: Just two questions; I just want to get the comment of the witness on two other things and I will be finished.

BY MR. SINCLAIR:

Q This is fireman Fred Tillman, and he said this:

"Q. During one of those runs in which you shovelled 14 to 15 tons of coal in the locomotive how much time did you have to spend in the position where you could observe signals, crossings, outside indications of danger?"

A. Very little, if the engine is fired according to the way we are instructed to fire them by our fuel supervisors.

Q. In what way is that?

A. Three or four shovelfuls of coal at a time, hand firing.

Q. For what reason are you instructed to fire in that manner?

A. Well, it is their theory that there is a saving of coal and no possibility of making black smoke ."

MR. LEWIS: I am a little curious to know from what my learned friend is quoting.

THE CHAIRMAN: I thought we were going to be informed in due course.

MR. LEWIS: I want to make sure we are.

MR. SINCLAIR: Yes.

BY MR. SINCLAIR:

Q You would disagree with that?

A Well, how long was that crew in service when he shovelled 14 tons? Is he in service 16 hours?

Q I do not know; he is a fireman from the Milwaukee, that is all I know.

A I would not know. If he was in service 16 hours he might put in 14 tons, but he would not put in 14 tons in two or three hours,

THE CHAIRMAN: We may not be informed, Mr. Lewis. Maybe this is just a question of Mr. Sinclair.

MR. LEWIS: Yes. If it is his question he has the right to ask it. He is passing him off as a fireman, presumably from the Milwaukee Railroad.

MR. SINCLAIR: I gave the name.

THE WITNESS: Maybe I know him. Maxwell, you said.

BY MR. SINCLAIR:

Q Fred Tillman. He gave that evidence in 1931.

A Oh, I don't think I know him.

Q You do not know him.

A No, but I would like to add this to you. Probably that was the days of the saturated steam engine.

MR. LEWIS: At least I got the date.

BY MR. SINCLAIR:

Q Here is a fireman by the name of Bealmear. He was asked a question about the position of the fireman and the lawyer said to him:

"Q.That is hardly responsive, Mr. Bealmear. What I asked you was whether or not when you were firing a hand fired locomotive you made it your practice so as to arrange your fire, that is, did you put in your fires so that you could be on the seat box or at some point so that you could make proper observations out ahead at points when the engineer could not see ahead?

A. No; so far as seeing regularly you cannot make a practice at no particular time."

You disagree with that fireman, too.

A I do, definitely.

THE CHAIRMAN: I assume, Mr. Lewis, and Mr. Sinclair, these are cases involving charges against firemen for not keeping a lookout.

MR. SINCLAIR: This is evidence when firemen were saying that they were on the deck all the time, that their work was so arduous that they could not look out at all.

THE CHAIRMAN: That is what I said.

MR. SINCLAIR: Yes, and that is why they wanted stokers.

HON.MR.McLAURIN: I do not blame them for wanting stokers.

MR. LEWIS: I will ask my friend where were these things said. It is a very brief summary of the hearing at the time of the stoker hearing in 1931. If that is so, it is a different story, but I guess that is where it comes from, before an emergency board.

MR. SINCLAIR: No,
MR. LEWIS: Or a mediation board of some kind. He will not tell me; I will find out myself.

THE CHAIRMAN: Is that all.

MR. SINCLAIR: That is all.

THE CHAIRMAN: Any re-examination?

MR. LEWIS: No, sir.

-- The Commission adjourned 4.05 p.m. until 10.00 a.m. Friday, June 7, 1957.

ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN
ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD
SERVICE ON THE CANADIAN PACIFIC RAILWAY

50

# PROCEEDINGS

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E. L. FEATHERSTON
SHORTHAND REPORTER
241 MANOR AVENUE
ROCKCLIFFE PARK
OTTAWA, CANADA

Mr. Hughes

# I N D E X

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ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD SERVICE ON THE CANADIAN PACIFIC RAILWAY

Proceedings of public hearing held at Ottawa, Ontario, Friday, June 7, 1957

PRESENT:

| | |
|---|---|
| Hon. R. L. Kellock, | Chairman |
| Hon. C. C. McLaurin, | Member |
| Hon. Jean Martineau, | Member |
| Douglas M. Fraser, | Secretary |
| A. R. Winship, | Asst. Secretary |

APPEARANCES:

| | |
|---|---|
| D. W. Mundell, Q.C.,<br>C. J. A. Hughes, Q.C., | Representing the Commission |
| I. D. Sinclair,<br>Allan Findlay, | Representing the Canadian Pacific Railway Company |
| David Lewis, | Representing the Brotherhood of Locomotive Firemen and Enginemen |

Friday,
June 7, 1957.

50th DAY

MORNING SESSION

---The Commission resumed at 10.00 a.m.

MR. LEWIS: Mr. Chairman, my next witness is Mr. Steve Sanders.

STEVE SANDERS, sworn.

EXAMINED BY MR. LEWIS:

Q Mr. Sanders, you are now a conductor in pool freight service on the Shuswap Subdivision?

A That is right.

Q And you have also had experience on the Mountain Subdivision?

A That is correct.

Q And on the Okanagan Subdivision?

A That is correct.

Q You joined the Canadian Pacific Railway as a labourer in the Car Department in June, 1926?

A That is correct.

Q Was that in Revelstoke?

A In Revelstoke, yes.

Q And in August, 1927, you transferred to the Operating Department as a trainman?

A That is correct.

Q You worked out of Revelstoke as a trainman from 1927 to 1929 and went to Cranbrook and worked out of Cranbrook as a trainman in 1929?

A That is correct.

Q You had the usual lay-offs during the

depression years of the thirties, and during those years, from November 1936 to February 1937 you worked in the Vancouver yards?

A That is correct.

Q And in March 1937 you came back to Revelstoke as trainman and have worked out of Revelstoke ever since?

A That is correct.

Q In June 1945 you wrote your A rule book and became qualified as a conductor, and from then until 1951 you worked either as a conductor or as a trainman depending on the work available?

A That is correct.

Q In 1951 you were set up as a regular conductor and have been running as a conductor ever since?

A That is correct.

Q Now, the Mountain Subdivision, as the Commission has already been informed on several occasions, runs from Revelstoke to Field?

A That is correct.

Q As will be seen by looking at Exhibit 8A that subdivision is covered by the mountain differential. Then the Shuswap Subdivision runs from Revelstoke west to Kamloops; that is correct?

A That is correct.

Q That is covered by the valley differential, as shown by the blue line on Exhibit 8A. The Okanagan Subdivision, as I think this Commission has already been informed, runs from Revelstoke west and then south to Kelowna, or is it straight south?

A No, it runs from Revelstoke to Sicamous over the Shuswap Subdivision and then from Sicamous to Kelowna on the Okanagan Subdivision.

Q If I remember correctly that is also covered by the valley differential. What is your record with the Canadian Pacific as far as demerit marks are concerned?

A Well, I have no record along that line, but I don't think it is too bad. I have had a few demerit marks. The last I had was two years ago when I got ten demerit marks.

Q You are a member of the Brotherhood of Railroad Trainmen and secretary of the local grievance committee?

A That is correct.

THE CHAIRMAN: I noticed this once before. Is it true that you would have one railroad subdivision, such as this one from Revelstoke to Kamloops, and then another one from Revelstoke to Sicamous?

MR. SINCLAIR: I think the proper way to describe it would be to say that the

Mountain Subdivision is between Revelstoke and Field and the Shuswap Subdivision between Revelstoke and Kamloops, and the Okanagan Subdivision from Sicamous to Kelowna. I think what the witness meant is that there were crew runs over the subdivision.

THE WITNESS: Okanagan is a separate subdivision between Sicamous and Kelowna, but we run out of Revelstoke to Kelowna.

MR. SINCLAIR: It is a crew run.

MR. LEWIS: I would like the witness to relate to the Commission some recent trips that he has had and for that purpose I would like to file as Exhibit 245 a sketch which is headed "Mountain Sub, Mountain Creek Bridge."

EXHIBIT 245 -- Sketch, Mountain Subdivision.

MR. LEWIS: I should like to make clear that this, like the other sketches or perhaps a little more so, is not an attempt to give an accurate representation by scale or anything. It is just something that it is hoped will assist the members of the Commission to follow the witness' recital.

THE CHAIRMAN: This is another case where we have to stand on our heads.

MR. LEWIS: It is another case where north is south and vice versa.

THE WITNESS: I was also thinking that looking at this sketch this way it looks as though you go up a real hill, it looks like a 50 per cent grade there. That is just the curvature.

BY MR. LEWIS:

Q Mr. Sanders, you made a trip over the Mountain Subdivision on December 26, 1956?

A That is correct.

Q Would you be good enough to give the Commission the relevant details of that trip, looking at Exhibit 245?

A Well, on this trip here, when we came to this point here --

Q Just a moment, who was the engineer so that Mr. Sinclair might have that information?

A The engineer on this trip was Bill MacEachren.

Q Who was the fireman?

A The fireman was Lamb; I don't know what his first name is.

Q And your crew, the rear-end trainman?

A Berkinshaw.

Q And the head-end trainman?

A I think his name was Jones.

Q And you were the conductor?

A Yes.

BY THE CHAIRMAN:

Q Going east or west?

A Going west.

BY MR. LEWIS:

Q From Field to Revelstoke?

A From Field to Revelstoke.

Q How many units did you have?

A We had four units.

Q Do you remember what the leading unit was?

A I believe it was 4028.

Q You informed me -- I think this will help, Mr. Chairman -- that the units were 4028, 8511, 8425 and 4033; is that right?

A Well, I would not remember all four of them from memory.

Q It does not matter, but we have a trip ticket here which shows that. Do you recall how many cars you had?

A I believe we had 61 cars that day.

Q And the tonnage, roughly?

A Around 2,900, I think it was.

Q Then you left Field and you got to this point and when you got to this point shown on Exhibit 245 what happened?

A Yes. As we arrived at this point the air-brake went into emergency. We were running a 2.2 per cent grade there

and we knew that something had happened, that we had broken a knuckle or draw-bar. So I immediately started to tie the train by putting the hand-brakes on the train.

Q What happened to your rear-end trainman when the train went into emergency?

A He has to go flagging immediately.

Q And did you or did you not in this case have to have the front end flagged as well?

A Yes. The front-end trainman had to flag on account that we were going to this siding at Griffith. You can see where the siding goes in there. We were meeting a first-class train.

Q It was coming --

A Coming eastbound.

Q The opposite direction?

A That is correct.

Q So your rear-end trainman was out flagging the rear and the front-end trainman was out protecting the front against this train?

A That is correct.

BY THE CHAIRMAN:

Q Was the train east or west of where this siding runs off?

A The train was mostly west when the air went into emergency. The engine was

just headed into the siding. That A is the engine there.

BY MR. LEWIS:

Q The engine was where A is, but the train itself, was it mostly east or mostly west of the siding?

A Mostly east of the siding. Did I say west?

Q I thought you did.

A I thought I said east.

BY HON. MR. MARTINEAU:

Q It is west according to the plan?

A The plan is the wrong way to.

--

--

--

BY MR. LEWIS:

Q All right. Your train was east, mostly east of the siding and your engine was just in the siding where "A" is shown on the sketch?

A That is correct.

Q Yes, and you were saying that you started --

BY HON. MR. MARTINEAU:

Q In what direction was the train going?

A It was going west, sir. I immediately started in to put the hand brakes on the train from the rear end and when I came to Mountain Creek bridge there -- that is shown there; you see "bridge" -- I came to a car that I cannot get over, that is, not safely. It has a carload of crated machinery and it is just like a great big box car with no ladders up the side.

Q Where was it?

A It was just about in the centre of the bridge. You can see there is a car marked there right in the middle of the bridge at "D", I think it is.

THE CHAIRMAN: Is that line to the north where the bridge is a siding?

MR. LEWIS: No sir, I think that is intended to be part of the bridge. It is not a track?

THE WITNESS: No, that is part of the bridge. There is no other track there except the siding.

BY MR. LEWIS:

Q The siding to the west?

A That is right.

BY THE CHAIRMAN:

Q What did you say about this car? This car was part of your train?

A That is right. That car is in our train there and when the brakes went into emergency that car is right in the centre of that bridge.

BY MR. LEWIS:

Q You said you couldn't pass the car?

A I couldn't pass it safely but I have to get by there somehow if I am going to get the train moving so I walk along the narrow timber decking along the bridge. There is decking along the edge of the bridge about 8 inches wide and I hung on to the flat car and I got by there.

Q Is there any walk on the bridge?

A No walk on the bridge, no.

BY THE CHAIRMAN:

Q This was a flatcar?

A It was a flat car loaded with crated machinery.

BY MR. LEWIS:

Q Yes?

A Well, I got by this car and by that time the fireman has replaced the knuckle. We broke a knuckle on the first car behind the engine and the fireman has replaced the knuckle and

has again cut the air in. I know this on account of I can hear the brakes coming off through the retainer valves, so then I must get back behind there again in order to let the hand brakes off when the train becomes recharged again and also to give a signal from the caboose and to make a brake test.

Q Yes, and did you do that?

A Yes, I did that.

Q Excuse me, Mr. Sanders. At that point were your two brakemen still flagging?

A Still flagging.

Q At each end?

A That is right.

BY THE CHAIRMAN:

Q You were walking up towards the engine before that for what purpose?

A Well, I had to put the hand brakes on at the end of the train and then I must get up there to wherever the trouble is, whatever happens to be there and find out what it is.

Q All right. Now you are going back to the caboose.

BY MR. LEWIS:

Q When you came up you say the fireman --

A The fireman had already replaced the knuckle.

Q And you walked back to the caboose?

A That is correct.

Q To take off your hand brakes? Did you take off the hand brakes?

A Take off the hand brakes and make a brake test of the air.

Q You said you had to signal for the brake test?

A Yes, the fireman had to get up there and I had to walk up. Once I get back to the caboose and make sure we have air in the caboose I have to walk up and give him a signal for to make the brake test.

Q Whom did you give the signal to?

A To the fireman.

Q Where was he?

A He was on top of the train behind the engine there just west of the bridge.

Q East --

BY THE CHAIRMAN:

Q He had walked down on top of the cars, had he?

A No, west of the bridge -- I beg your pardon --

Q How did the fireman get there?

A On top of the cars.

Q To the point where he was. Had he walked down?

A He walked on the top of the cars. He climbed up and walked on top of the cars.

BY MR. LEWIS:

Q You mean east?

A No, I mean west of the bridge.

Q He was on top of the cars and you passed a signal to him?

A We got the signal and made the brake test and

then he walked forward again and informed the engineman that it was all right to try and lift the train.

Q Yes?

A And the engineman attempted to lift the train and the air goes into emergency again. Well, I got to put on the hand brakes again and get by this car again.

Q The car on the bridge?

A That is right, the car in the middle of the bridge. I got to get by this car once again and at this time I arrived up where the break was and it was two cars -- a broken knuckle two cars behind the engine this time.

Q Where are the two brakemen at this point?

A They are still flagging. No. 6 is late, which we often find that these trains are not on time.

Q No. 6 was the passenger train?

A Going eastbound.

Q The passenger train that you expected?

A Yes.

THE CHAIRMAN:

Q Would you mind finding out what the witness means by saying they were still flagging at that time?

BY MR. LEWIS:

Q Would you say exactly what that is?

A We still have to protect our tail end, that is, east. We have got to flag east, and this

man has still got to flag west. If this first-class train eastbound was on time he would be back by this time. He would ride that train down and keep him there, but this train being late he is still out flagging.

THE CHAIRMAN: What I had in mind was why does he have to stay there? Why can he not put a flag out on the ground?

THE WITNESS: No, you cannot do that. You cannot put any unattended flagging protection out.

THE CHAIRMAN: Did we not have some evidence to that effect?

MR. LEWIS: That you can leave a flag there? I don't recall that.

THE CHAIRMAN: In any event, this is what happened this time. These two men were there ready to manually wave the flag if a train approached.

THE WITNESS: That is correct.

MR. SINCLAIR: I think what you have in mind is where a train is going to double and they have set out torpedoes and moved off with one part of the train and the are coming back with the engine light.

THE CHAIRMAN: That is never done under the circumstances the witness is speaking about.

MR. SINCLAIR: What he is saying is he is flagging against a train coming, not his own

engine.

THE CHAIRMAN: I am asking if the procedure the witness has just described is --

MR. SINCLAIR: The correct procedure.

THE CHAIRMAN: --the procedure that is always followed in such cases.

MR. SINCLAIR: As I understand the facts as he has put them, yes, sir.

THE WITNESS: Yes, sir, that is correct.

THE CHAIRMAN: The flagmen must stay there at each end of the train to see that no other train collides.

MR. SINCLAIR: Yes, when there is an overdue superior train, which he is talking about --

MR. LEWIS: Rule 99, isn't it?

MR. SINCLAIR: -- he is required to do that until the train comes and bring the train in or until he is whistled back by his own engine.

THE WITNESS: That is correct.

BY THE CHAIRMAN:

Q Well, this is a single track?

A Single track.

Q Trains are not arriving in both directions?

MR. SINCLAIR: He has got to protect against an overdue train or a meet. He had cleared to enter into this siding, I understood him to say.

THE WITNESS: That is correct.

THE CHAIRMAN: Which was a meet.

MR. LEWIS: Would this help? If the members of the Commission will turn to rule 99 starting on page 54 they will find the rule covering flagging to the rear. On page 55 it says:

> "When a train stops under circumstances in which it may be overtaken by another train, a flagman must go back immediately with flagman's signals a sufficient distance to ensure full protection ..."

Then the distance is given and I understand there are exceptions to that, and my friend's advisers can correct me if I am wrong. If his rear is protected either by some signal or by protection from the operator or dispatcher he may not have to do that but normally he has to do that on the rear in every case. Then if you turn to 89 --

MR. SINCLAIR: Maybe I could help.

MR. LEWIS: By all means.

MR. SINCLAIR: I think what Mr. Lewis is saying is that you have to flag at the rear and you have to stay out there until you set up protection with the dispatcher or until you are recalled by your engine. As to the front of the train, that is also provided by rule 99 at page 56.

MR. MUNDELL: The top of 57.

MR. SINCLAIR: Page 56 and the top

of 57. It says:

> "The flagman must, after going back a sufficient distance from the train to ensure full protection, take up a position where there will be an unobstructed view of him from an approaching train of, if possible, 500 yards, first placing torpedoes not more than 100 nor less than 50 yards apart to cause two explosions at least 200 yards beyond such position and, when necessary, in addition, displaying lighted fusees, and must not return until recalled or relieved and safety of the train will permit."

THE CHAIRMAN: Now, wait a minute. That is going back. Does that not refer to the rear end?

MR. SINCLAIR: Yes.

THE CHAIRMAN: I thought you were through with that and were now going to deal with the head end.

MR.SINCLAIR: Yes, I am just tying them together. At the top of page 57 it says:

> "The front of a train must be protected in the same manner when necessary."

In other words, you have to protect the front end by putting down --

THE CHAIRMAN: Then it means that these torpedoes have to be put out but that the man at the front and the man at the rear have to stay in position and not return.

MR. LEWIS: That is right.

MR. SINCLAIR: Until they can be brought in by making arrangements with the dispatcher or by having protection in other ways.

THE CHAIRMAN: Yes, by the train being ready to move on and being recalled by a signal.

MR. SINCLAIR: That is right, or wait until the train they are flagging comes in and ride in with that train.

MR. LEWIS: That is what the witness meant when he said that if this train had been on time the front flagman would have already been back but it was late so he was still out. Is that right?

THE WITNESS: That is correct.

BY MR. LEWIS:

Q Now then, you had a second knuckle broken and you were again putting on the hand brakes and walking towards the front end?

A I again put the hand brakes on the train and got by this car that it was unsafe to pass in the centre of this bridge and I arrived at the head end where this broken knuckle was. They carry one knuckle on a diesel unit. That is all you will find, so what we have to do then is take the knuckle out of the

front of the engine, so the fireman was a little while getting this one out of there because they are keyed in, and we got this knuckle in and I decided at that time that we have no more knuckles, that is all the knuckles we have, and if we attempt to lift the train again and break in two I have no other knuckles except I have some in the caboose but I cannot get them up there. It is an impossibility to get them up there.

Q How much does a knuckle weigh, by the way?

A They weigh between 100 and 125 pounds.

BY THE CHAIRMAN:

Q Is this part of the coupling apparatus?

A Yes, it is part of a coupling, sir, so I decided that the only way we can do this and get the track clear and get traffic moving is for to take this train into the siding in two pieces, and in order to do that I have to make a cut at the west end of this bridge and I have to get the fireman's assistance. Maybe I am a little ahead of my story. I never told about putting the knuckle in there.

The fireman and I replaced this other broken knuckle and coupled up the air again, and then I proceeded back here to the west end of the bridge to make the cut and the fireman again got on top of the train for

to relay signals to the engineman, and if the fireman got too far east on top of the train he was unable to see the engineman because he was headed into that siding there and then he just started in to go around the left bend in the siding.

When the fireman came too far east he was unable to see the engineman but he had to come that far in order to see me where I was making the cut. So I made this cut and I gave the fireman a signal to proceed and he walked up towards the engine where he could see the engineman and gave the engineman the proceed signal.

We took this cut of cars up through the siding, and by this time No. 6, the eastbound first-class train, had arrived, and we just took those cars right up through the siding and down the main line, backed them down the main line. We went out the other end of the siding. The other end of the siding is not on here. There is just so much there.

BY THE CHAIRMAN:

Q Place them to the west of No.6?

A We put them on the main line behind No.6.

Q To the west?

A That is correct -- well, no, we would back them to the east.

BY MR. LEWIS:

Q You took two steps in one, Mr.Sanders, you pulled those cars to the siding?

A Yes.

Q Going westward in a forward direction -- correct me if I am wrong -- until you were clear, the last car was clear of the west siding switch?

A That is correct.

Q Then you lined that switch and backed the cars on the main line?

A That is correct.

Q In an eastward direction?

A That is correct.

Q Is that right?

A That is correct.

Q Then I suppose you cut the engine off.

A That is correct.

Q And went back and got the remainder of your train.

A That is correct.

Q Did you have any more incidents there?

A No; we pulled them right in there and had no more trouble.

Q Then, you made the same move presumably with the remainder of the train; you went west through the flag, past the west switch, out the siding and the main line and then backed those cars down.

A No, we did not do that; we just pulled the tail end of the train into the siding.

BY THE CHAIRMAN:

Q You went up the main line, through the siding, backed onto the rest of the train and brought it into the siding. Then you went onto the main line, backed down, hooked onto the standing cars, pulled them up the main line, backed them onto the siding and connected them to the standing cars.

A That is correct, that is it.

Q So that the first class train would go along the main line?

A That is correct. The first class train was clear; everything was clear for him to go then. I might say right there that with two brakeman out flagging, if we did not have a fireman for assistance on that train there would have been considerable delay to the first class train. There was in any event considerable delay because this eastbound train getting delayed here upset the meets that were out on the westbound passenger trains; it just disrupted everything; everything was delayed through that. If we had not had a fireman there to give me assistance it would have been far worse.

BY MR. LEWIS:

Q Use your imagination a little. Suppose . .

you did not have a fireman, how would you have done the job?

A Well, I just could not have done it, that is all.

Q Now, then, you made another trip on an extra west from Field to Revelstoke on December 6, 1956, the same territory shown in Exhibit 245, where you had trouble in the same area?

A It is the same thing; can use this same sketch.

Q You use the same sketch for that, Mr. Chairman. Who were the engineer and other people in the crew at that time, do you remember?

A Jack Buller was the engineman.

MR. SINCLAIR: It does not matter.

MR. LEWIS: It does not matter.

MR. SINCLAIR: So long as he gives us the date.

THE CHAIRMAN: I thought the witness said 1936.

MR. LEWIS: No.

THE CHAIRMAN: 1956.

BY MR. LEWIS:

Q Both in December, December 26, 1956 and the second one December 6, 1956. All right; Mr. Sinclair tells me that so long as he has the name and the date that is all the information he needs for checking.

What happened here in the case of this trip?

A This was just about the same thing, actually, except that we were clear of the bridge, got our tail end clear of the bridge and our caboose would be sitting just about where it says "small mountain" there on the south side of this sketch here. It says "a small mountain"; our caboose would be sitting right about in there when the air brake went emergency.

Q Your engine would be farther west into the siding?

A No, it was not into the siding, up the main line, and the weather this night was 30 below zero.

Q May I interrupt there, please. You said it was the same thing. Did you have to flag both front and rear in this case?

A I am sorry, no, we just flagged to the rear.

Q In this case you did not have to flag the head end?

A Did not have to flag the head end.

Q You are not expecting any trains?

A No, no trains, coming against us in that direction.

Q You had your rear end trainman out protecting?

A Yes, the rear end trainman had to go

flagging.

Q Yes?

A As I say, the air went into emergency, so I did the same thing again, put hand brakes on the tail end of the train, and we had a shorter train this night; it was only 41 cars, but I believe, if I remember correctly, it was a bit heavier; it was a train of wheat, the other was a merchandise train, and when I arrived at the head end there there was a draw bar out of the second car behind the engine, and it was out of the west end of the car, and the fireman and the head end trainman had already got the chain out of the diesel unit, and were starting in to chain this car because it would be necessary for us to take this car to the spur, which is about I think, two and a quarter miles west of this Griffith siding. I assisted them to chain the car up and made sure that there was a good working hand brake on this car, and stationed the trainman on there. It was an old-fashioned brake, one of them kind that is on the top of the car; it was not a new brake; the new brakes are down on the bottom, Ajax brakes; it was the old-type brake on that car. I stationed them up there with club to ride this car onto the

spur because we have no air brake on it now, having it chained up we cannot get the air brake.

Q Then, the engine and the two cars, the second one being chained on went ahead; is that right?

A That is right.

Q Yes?

A I instructed those trainmen, now, be very careful because there was a chance this chain might break or something, and if it did we would have to be sure and stop that car if he possibly could. And so I wanted to stay there because I did not figure in my judgment that I had had sufficient hand brakes on in cold weather of that sort, and there is a first class train coming right behind us, No.1, and so I stayed there and put more hand brakes on this train, and geewhiz they went there and never came back; I could not figure out what was going on. I thought they must have run into trouble of some kind, and so eventually I went to the phone to phone. Quite a ways away from where I was there is a phone at each siding in a little bit of a house.

Q Yes?

A So I finally got to this phone, and they had been on the phone. There is a phone,

too, where this spur is, and I got the information that the car had broke away on them and the rainman was able to stop it about 12, around about 12 or 14 pole lengths which would be approximately one-third of a mile. This is the way that the engine crew knew that this car got away; they felt it when it broke in the movement; they felt that they had lost something. They were going, you see, and the fireman looked back and he sees the trainman swinging him down, giving him the stop sign so they stopped.

Q How many units did you have on that train?

A Four units.

Q You say the fireman looked back and saw the trainman swinging him down. Do you know whether the engineer could or could not have seen him?

A No, the engineer could not have seen him. He was on a curve where he could not see him. However, as I said before, they had figured there was something wrong, which made the fireman look back. Actually, this is what made him look back to see. In other words, when I got on the phone I got this information from the dispatcher because in the meantime the fireman went back and got on this one

car that we had still on behind our units, and he was able to see the engineman to back him up very, very slowly, because he does not know where this car is, how far down the mountain it has gone, and he took him back very gently, and eventually, of course, they could see the trainman lights because he was walking up to get them.

Q This was during the night?

A Yes; the time was about 7.30 p.m. when this happened.

Q Yes.

A And the fireman, as I say, was bringing the engineman back from there very, very slowly and the brakeman, when he got the cars stopped, then he started to walk west to see if he could get a hold of the engine. He did not know himself whether they had kept on going or whether they had stopped really, but eventually they got down to where the car was and they had another chain. Sometimes you will find two chains on these diesel units, sometimes only one.

Q This time you had two.

A We were lucky this time; they found another chain on there and they rechained the car and went to this spur with it, cut that out, no more trouble with it, and got it put away on the spur. I got this information. They went on the telephone on the

spur and told the dispatcher about it; so, when I got to the back of this siding at Griffith: I got this information from the dispatcher what had happened to them.

Q Then, what happened after that?

A They then returned, and we coupled on to our train and No.1 is just the same as this other No.6 was in the other instance; it is a way late. We had a run late order; had to wait for the run late, and even after we had all this trouble and come back, the flag is still out there; the rear end trainman is still flagging because this is a first class train. No.1 has not came yet so we coupled on to our train, recharged the brake system and let off our hand brakes, making a brake test there in which I need the assistance of the fireman at that time to pass signals up, making the brake test, because in this siding it is curved in there, bad curves in there. So, we got this all done.

Q You say "we". Who released the hand brakes?

A The brakeman, and I released the hand brakes on the tail end of the train, the head brakeman, and then he walked back toward the head end and the fireman, he was out on top behind the engine, and I am on the caboose to make this brake test. We got this brake test made and we are all set.

Q When you say you needed the assistance

the fireman to pass the signals to the engineer, the fireman was on top of the car; is that right?

A That is correct.

Q The head end brakeman is some cars back?

A That is correct.

Q You were at the caboose making this test?

A Yes.

Q Yes?

A We again tried to lift the train and we lifted it and got it started for three or four car lengths and the air goes again, emergency brake again. Well, we got to put all our hand brakes on again, and find out what this trouble is. Well, this is a knuckle that is broken about 15 cars behind the engine.

Q Yes?

A By this time the first class train has shown up behind us. The rear end trainman is back then with us, so we get this knuckle replaced and go through the performance again of taking off the hand brakes, making another brake test and then we lift this train and pull it up the main line right to the west end. We stop clear of the siding at the west end, and in that way the first class train, No.1, is able to move through the siding.

Q That is where I got confused. Is this the

one that you took on the main line while he went through the siding?

A That is correct.

Q I was just one ahead of myself. Then, No.1 went through the siding past you?

A That is correct.

Q Now, in making this brake test and going forward after you had made it, after the break in the train the second time, how were signals passed to the engineer?

A No, the second time there was enough of us there to pass signals. I have the rear end brakeman back with me by that time.

Q Yes, and how was it done?

A The same procedure as before. The head end brakeman was two or three cars behind the engine, the other fellow was in the middle and I was near the tail end.

Q You could then give signals to the engineer?

A That is correct.

Q You did not have to use the fireman at that time?

A No.

Q And you went ahead on your merry way after that?

A No, this is not finished yet.

Q Go ahead, I was just wondering, Mr. Sanders?

A Well, once this first class train was gone and the automatic block signal cleared for us, we tried to go again and a draw bar comes out of the car right behind the engine. The only place we have a chain then is back in the caboose. We are able to get this chain. We just cut the engine off. We have tied the train down, and everything like that.

Q How much does one of these chains weigh?

A I am instructed these chains weigh about 300 pounds. We put the hand brakes on our train again. We cut the engine off, go

around through the siding and get this chain on the caboose, put it on the engine and we again go back to the head end and chain this car. This draw bar came out of the west end of the car, too, and we chain this car up and take it to that spur. We have no trouble with that one; the chain did not break on that one at all.

We return again, take off our hand brakes, make a brake test and after that we have no more trouble from there on out.

Q And in that third break that you had, did you have occasion to make use of the fireman?

A Oh, yes, the fireman was very useful in helping us to chain the car up.

Q Now then, you made a trip, still in the same subdivision, on Train No. 965, and that is a symbol train, right?

A That is correct.

Q On January 23, 1957, and I should like, with your permission, sir, to file as Exhibit 246 a sketch and something else which I will describe in a moment, of the Mountain Subdivision, showing a bridge. What bridge is this?

A At Stoney Creek.

Q Mr. Sanders and the artist, Mr. Chairman, found a photograph of this bridge in one

of the C.P.R. folders, so they reproduced it as well. It was not really necessary, but I had not the heart to tear it off.

MR. SINCLAIR: A nice bridge.

MR. LEWIS: A very nice bridge, that is why we put it in.

EXHIBIT No. 246 -- Sketch of Stoney Creek bridge with drawing attached.

BY HON. MR. McLAURIN:

Q Is this the one that fell down about 20 years ago and had to be rebuilt?

A No, it is not. It is the one just east of that.

BY MR. LEWIS:

Q Just so that we will see it right, Mr. Sanders tells me that the train on the reproduction of the company photograph faces or is going in the opposite direction to the direction in which he went, but it gives a picture of the surroundings which we thought might be of interest to the Commission.

Now then, in this trip, Mr. Sanders --

THE CHAIRMAN: Going in which direction?

THE WITNESS: Going west again, and again the map is wrong.

BY MR. LEWIS:

Q No.

A Oh, this is right.

Q No, we had time to have this one redrawn, Mr. Sanders.

A Yes, that is right.

Q Now, you are going west again on the symbol freight train, with how many units?

A Four units.

Q And when the incident that you are about to describe occurred, your engine was about where A is shown on this sketch, is that right?

A That is correct.

Q Towards the west edge of the sketch?

A That is correct.

Q And the tail end of your train was towards the east end of the sketch where B is shown?

A That is correct.

Q Will you take over from there, Mr. Sanders?

BY THE CHAIRMAN:

Q How many cars?

A 69 cars. Well, we were doing all right on this train until we got to this point. We had them right on top of the hill, just about, when the air went into emergency. The flagman again has to go out immediately on the rear. We did not have to flag right at this time to the front. We are all right on the head end at this time.

So, the flagman goes out and I

start in putting on the hand brakes on the train. I walk to the head end -- I might say at this point there is a sidewalk on this bridge and you have no trouble on this bridge. There is a sidewalk on this bridge, that is, if you have cars you cannot get over.

By the time I arrive at the head end, the engine is returning. He had found out what the trouble was immediately. There was a draw bar pulled out and it was out of the east end of the car, so when they found this out they immediately went to the Stoney Creek siding and set this car out, which is about a mile distant.

BY MR. LEWIS:

Q How far from the engine was this draw bar pulled?

A This draw bar was about 15 cars from the engine.

BY THE CHAIRMAN:

Q The siding is presumably to the west?

A That is correct, sir. When I arrive at the head end they are just returning from setting this car into the siding at Stoney Creek.

By the time we get our train charged up and I get the brakes off and we made our brake test, time is getting kind of short. Then, there is a first class train

that will be due very shortly.

BY MR. LEWIS:

Q Due from which direction?

A From the west going east. If we did not get moving pretty soon I will have to send the front end flagman out. So, we get the hand brakes off and make our brake test and try to lift the train. When we do, we get a knuckle about 18 cars.

Q Before you go on with that, would you please tell the Commission how you made the brake test, how the signals were given?

A The signals were given between me and the head brakeman and the engineman. I went back to the tail end, let the brakes off and I had to walk, once I got the brakes off and found there was air in the caboose, I had to walk up to a point here where the trainman can see me across this bridge on top; he was on top of the train and so was I and he could see me across there. He could also see the engineman from the point where he was standing.

When we attempted to lift the train we broke a knuckle 18 cars behind. Well, I have to send the front end brakeman flagging at this time.

Q Yes?

A And I get up and I find it is this knuckle and the fireman, he is out on top -- maybe

I am ahead of my story. I said I sent this brakeman flagging and I should not say that. The engineman sent him flagging while I again put the brakes on and walked up to this break. When I got up there the fireman was out on top of the train and looking for a signal from me to find out what was wrong, if it was another draw bar, a knuckle, or what it was. I just gave him a sign like that, which is a knuckle sign, and he immediately grabs a knuckle out of the engine and back he comes with it.

We replace the knuckle on this train. There is not a great deal to replacing a knuckle except that they are heavy and in snow conditions and one thing and another it really requires two men. It is really a two-man job.

Q Was this in daylight or at night?

A This was in daylight, around nine o'clock in the morning. So, when we get this coupled up and get the knuckle replaced, couple our air brake in again and recharge our train, our tail end man is still out flagging. I have to go back and let the hand brakes off and again make another brake test. Well, this time the brakeman is gone flagging the front end, so I must get the fireman out here.

Q Out where?

A Out here, beyond the engine on top of the train, the same place the brakeman was before, and me back here, to relay signals to make the brake test. We get that done and lift the train. We have no trouble the next time. We lift the train all right.

I might say at this point we never bothered calling in this flag from behind because we had passed a train at Griffith siding on this other sketch, that was
D-2 having engine trouble, and he was going to break his train there, from there to Stoney Creek, in two pieces, so I knew he was coming a short time behind us, so I did not bother calling this flag in.

Q Because that train would bring him in?

A That is the idea. At the same time, we were going to be in a bad spot for this passenger train coming from the west going east, and we had to get up into Stoney Creek to make some arrangement there, because we have our bad order car on the west end of the Stoney Creek siding and we have this long train. I know this other fellow is coming up behind us with this piece of his train. I could hear him coming when we started to move, so I must get up there and make some arrangement to get this first class train by us.

The only thing I could do is for us to go up the main line and I have put this passenger train in the siding on top of our bad order car and then when the other man comes up that is doubling his train up -- he only had a few cars -- he heads in to the east end of the Stoney Creek siding. When we get the passenger train in on top of our bad order, then we can go and the passenger train backs out after we have gone and then he is able to go. The other fellow is in the other end and our flag is on by this time.

Q The flagman or front end brakeman is in as well?

A That is right; he came in on the passenger train and came in there.

Q And you went on your way?

A That is correct.

Q Then, Mr. Sanders, you made another trip on Train No. 951, which is again a symbol train, but this time on the Shuswap?

A That is after I got tired of packing over draw bars and knuckles and I decided to move to the other end.

Q This time in Shuswap, going west again from Revelstoke to Kamloops, is that correct?

A Yes.

MR. LEWIS: Mr. Chairman, with your permission I should like to file as Exhibit 247 a sketch of the Shuswap Subdivision where the incident the witness is about to describe occurred.

EXHIBIT 247 -- Sketch, Shuswap Subdivision.

BY MR. LEWIS:

Q This is also upside down?

A Yes.

MR. LEWIS: This sketch is also upside down. West is to the right and east to the left. I am sorry about that, but I do not think the incident will be very complicated.

THE CHAIRMAN: Where is it?

BY MR. LEWIS:

Q Where is this?

A This is on the Shuswap Subdivision at Mileage 103.

Q What does that mean?

A Well, it is around about 25 miles east of Kamloops.

Q About 103 miles west of Revelstoke and 26 miles east of Kamloops?

A That is true, yes.

Q How many units did you have on this train?

A We had three units.

Q How many cars?

A I think it was again about 68, I believe.

Q This incident occurred, you told me and according to the trip ticket attached, on February 6, 1957?

A That is correct.

MR. SINCLAIR: I assume Mileage 103 would be near Pritchard.

THE WITNESS: Near Pritchard. In fact that is the spring switch going onto the double track at Pritchard.

MR. LEWIS: Exhibit 25, Mr. Chairman, is the old time-card for the Pacific Region and the Shuswap Subdivision is set out on page 7. The point referred to here is between Pritchard and Monte Creek or between Neskain and Pritchard.

THE WITNESS: Yes, that is right.

BY MR. LEWIS:

Q What happened in this case?

A Well, in this case, this country here is kind of rolling country, there is lots of sags and dips, and as we approached this point the slack run in, which it often does, and it lifts the locking block.

Q What is the locking block?

A This locking block is what holds the knuckle closed inside the draw-bar.

When the lift pin lever is lifted it lifts the locking bar to disconnect the cars.

This will happen quite often in country like that. Wherever you get a bad run-in you find a lot of them will lift. That is what happened here this morning.

It was just four cars ahead of the caboose. A is the engine in the sketch there. B is the caboose, the tail end. C is where the train parted four cars ahead of the caboose. D is the head-end trainman out on top of the train when we were coupling this up again. E is the conductor.

Q E is where you were standing, you mean, at that time?

A E, yes, and F is the flagman out to the east.

Q Again to protect the rear?

A Yes.

Q This is upside down again?

A Yes.

Q You said you found this locking block had lifted four cars in front of the caboose?

A That is correct.

Q Who fixed it?

A Well, I will go on to explain that

again. The air went into emergency of course and the head-end trainman had no duties ahead, he didn't need to flag or anything like that, so he naturally gets on top of the train and starts walking back. There is snow there and one thing and another and he couldn't walk beside the train. He gets on top and walks back and of course I only have four cars to walk to until I find the trouble which is only four cars ahead of the caboose. I could see that you all you have to do in a case like that is just join the train up again. There is nothing to do, no heavy work of any kind.

Q It is just a slip, not a break?

A It was just as though you lifted the locking block with the pin lever and uncoupled the train. It is the same thing. The head trainman has walked back to this point D on top of the train and I got up on top of the train then at E and relayed signals to him and he in turn relayed them to the fireman to couple up this train. You cannot see the engineman.

Q Is there or is there not any way in which you and the head-end trainman could have positioned yourselves so as to give the signal to the engineer?

A Well, the head-end trainman is right there at a point now where he can see me and the fireman. If he walks west on top he is again out of sight of me and he still cannot see the engineman until he has gone a considerable distance further west on top.

Q Then you relayed this signal; what happened then?

A We joined the train up and called in the flagman and proceeded; after making a brake test.

Q Is there anything more of interest in connection with this trip?

A No, that is all.

BY THE CHAIRMAN:

Q How do you join the train up?

A We just give the signal to back again and the couplers just automatically couple together themselves.

BY MR. LEWIS:

Q Mr. Sanders, you have described to this Commission four trips, two in December, one in January and one in February. Would you tell the Commission whether those occurrences which you have described are unusual on the Shuswap Subdivision from your personal experience, or whether they are typical in your experience?

A Well, they are very typical on the Mountain Subdivision, very typical. It is happening all the time on the Mountain Subdivision. Of course, more in winter although I believe it is in summer too. But even now I have incidents that have taken place last month.

It is a question of too much power on the head end, I believe, for the equipment, and it may get worse, I don't know. Really the only time I experienced it as being typical myself is in the winter months.

THE CHAIRMAN: I recall that yesterday a witness from the Milwaukee Railroad said that the more power they put on the head end the more cars they attached behind them. This witness says there is too much power for the number of cars, as I understand him.

MR. LEWIS: I don't know about it, although it seemed to dovetail. Perhaps if they had more cars they would not have too much power for the number of cars.

THE CHAIRMAN: As I understand it, this witness is suggesting that if they had only three units instead of four they might not have this trouble.

THE WITNESS: Well now, that may overcome some of the problem as far as that

is concerned, if on the Shuswap we only have a three-unit consist, but there we have an A rating tonnage and the grade is not very heavy, as it is on the Mountain. It is only a 1 per cent grade on the Shuswap.

What I meant to say is that it looks to me as if we have too much power on the head end for some of the equipment in the consist of the train. That is how it appears to me because we did not have the same trouble in the steam engine days when we had the pusher on behind.

BY MR. LEWIS:

Q In those days you say you did not have the same trouble, but you did experience sudden breaks in two?

A Oh, yes, we did, but they were not as typical as they are today.

BY THE CHAIRMAN:

Q You mean as frequent?

A As frequent, I am sorry.

BY MR. LEWIS:

Q You suggested that you had incidents that had happened this month. You have not been back for about a month, have you?

A No, but my fellows have sent me instances that have taken place.

Q Your mates in Revelstoke?

A Mates in Revelstoke, yes.

Q Before I ask the Chairman to give you a few minutes' rest, would you indicate to the Commission the usual causes of breaking in two of a train, so that we just have them on the transcript?

A We have broken draw-bars, broken knuckles, and this instance I have just described of the locking blocks lifting, and we have draw-bars slipping by. You may have one draw-bar a little bit higher than the other one and the knuckles won't be getting a full bite, they will be just getting half a bite, and with the strain of the pull on them it will slip by, go over the top.

Q That would not be a break, it would be merely --

A It would not be a break in the equipment, it would be a break in the train.

Q And the job you would then have to do would be the same as in the case of the lifting blocks, you would just have to re-couple it?

A That is correct. Then we may have to try to shim this car, shim this draw-bar up because if we don't it is just going to break again. If we can shim it up it may not become necessary to set the car off.

Many times there will be little

low spots in the track and if you have one of these draw-bars up and there is a soft spot, a little low spot, it will just cause it to do that. There will be just enough leeway that it will do that.

Q You mean slip by?

A Slip by. The one bar will be higher than the other. That is correct.

---Recess.

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---On resuming.

BY MR. LEWIS:

Q Mr. Sanders, on the Mountain Subdivision in your experience is there much switching done at intermediate points?

A Not a great deal on the Mountain Subdivision. We have Golden which is a junction point and we get considerable switching there on the drags but symbol trains, very little switching they ever do on the Mountain Subdivision except when the wheat is moving and it seems to be a continuous movement of wheat all the time now and Vancouver hasn't got storage space, cannot handle it, and it is set out all the way between Field and Vancouver, and that creates quite a bit of switching for us on the Mountain Subdivision at that time.

Q You say that when the wheat is moving it creates quite a bit of switching on the Mountain Subdivision. Is it switching in the normal sense or is it merely setting off or lifting?

A That is right, merely setting off and lifting. It is not really switching cars at all.

Q And have you always had only this setting off and lifting at the intermediate points between Field and Revelstoke or did you at one time have to do switching?

A Never a great deal on the Mountain because there isn't any industries along through there to amount to anything. All there is is a couple of little sawmills, not a great deal we ever had to do on the Mountain as far as switching is concerned, except at Golden.

Q And when you are setting off and lifting cars on the Mountain Subdivision at the various intermediate points, do you or do you not have difficulties relaying signals to the engineer?

A Oh yes, we do, pretty near any point. It takes all three men on 15 or 20 cars at most points for to relay signals right to the engineman and at times you cannot even do it with that many.

Q Why?

A With the three men and 15 cars, why, sometimes it is very difficult.

Q Why is that?

A Well, it is because that you cannot step off to the side anywhere. On one side you are going into the river; on the other side the mountain is straight up, and up on top it does not take very much around some curves; some curves are pretty sharp, right around rock bluffs, the engineman is right at the side; the trainman right on the car behind the units, he cannot see the engineman at all on top of the car.

Q Is that all the time?

A Yes -- well, not all the time, no. If he were on a curve in that direction, why he would be able to see him, yes.

Q There is a lefthand curve, the inside of the curve being on the fireman's side.

A Yes.

Q Then, even on top of the car it is difficult to see the engineer?

A That is the idea.

Q But not if the curve is in the other direction?

A No, no.

Q Now, are these difficulties of stepping out affected by snow conditions in the winter on the mountain subdivision?

A Oh, well, yes, very much affected with snow conditions. When the wing plow goes along you have not more than three or four feet at the most of a footing beside box cars,and it is practically impossible to get off to the side anywhere at all during the winter months; just in yards you would be able to do that where the yards have been plowed out.

Q Are retainers still used; do you still have to use retainers on mountain subdivisions?

A Yes, we use retainers;if we have more tonnage than the units will pull up the controlling grade, why, we must use retainers going down that grade.

Q That now happens?

A Yes; many times we got over A rating tonnage out of Field, and then we must use retainers from Leanchoil to Cloister.

Q Then, the retainers are taken off at Cloister, I suppose?

A That is correct.

Q Suppose you leave Field with a tonnage in excess of A rating, do you continue with that right through to Revelstoke or do you set some of it off?

A No; has to be reduced at Beavermouth.

Q At Beavermouth you reduce your train to A rating?

A Yes, that is correct.

Q Do you usually go on with A rating from Beavermouth to Revelstoke, or is that ever increased on the way?

A Yes, at times when there has been wheat set off at Glacier or between Glacier and Albert Canyon we will get instructions to lift wheat, which will again put us over A rating tonnage for the hill and we must use retainers again.

Q Does that happen often or infrequently?

A Infrequently.

Q On the other hand, does the excess of A rating tonnage from Field to Beavermouth happen often or infrequently?

A Oh, often.

Q Now, on the Shuswap subdivision, Mr. Sanders, is there much switching done?

A There is quite a lot of switching done on the Shuswap subdivision, yes.

Q By symbol trains?

A Not by symbol trains, no.

Q By which class?

A By the drags.

Q That is extras?

A Yes, extras, right.

Q Do you have any difficulties about switching at any intermediate points on the Shuswap subdivision?

A Oh, yes, there is places there that you have difficulty all right, yes.

Q I have in mind particularly signal passing?

A Yes, Sicamous is a very difficult place; both ends of Sicamous is bad for getting signals.

Q That is illustrated by a sketch that I would like the permission of the Commission to file as Exhibit 248. It is a sketch of the Sicamous yard.

EXHIBIT NO.248:Sketch of Sicamous Yard.

Now, you have in mind, Mr. Sanders, a particular trip. Describe with reference to the sketch the signal passing difficulties you say you have had at Sicamous on this particular trip that you have in mind?

A Yes; well, this trip that I have in mind, we are going east and we are headed into the siding.

Q How many cars?

A We would have about 65 cars.

Q How many units?

A It would be three units.

Q Yes?

A We headed in at the siding. This map is not complete. The yard is chopped off there at the west end there, them tracks in there. The switch to the siding is a way further west than that. We headed into the siding, and you can see marked on this here siding track, and this siding

continues right up all the way through the sketch here to the point marked "A"; that is the yard "switch" of this siding?

A The east side of the siding.

Q Yes.

A There is two crossovers in that place, you can see them, you can cross over on to the main line.

Q One is marked "C" toward the west; is that it?

A That is right. Now, "C" and "D".

Q Yes.

A That is correct, and we come in there and we have taken the siding to clear two first class trains.

Q Yes?

A And we have cars to set off at Sicamous. As a rule cars will be lined up for you out of Kamloops. There is many, many times after you have got out of Kamloops on this branch line south to Sicamous going to Kelowna.

Q The curve to the south?

A Yes, to the Okanagan line it says there.

Q Yes?

A Might say it does not go to the Okanagan line, not any more, but that does not matter. They will decide that they need cars down in there; there is a lot of loading going on down there, a lot of

activity in that Okanagan Valley; they use all sorts of cars down there, stock cars, reefer cars, box cars, flat cars, all kinds of cars. You will go in there. And, as I say, for these two first class trains you cannot go out and foul the main track, and these cars that you are to set out are behind about 17 or 18 cars, and they are not all in one place; there is one here, one there, and four or five somewhere else, and there may be more somewhere else. My point on this here is that you can with a fireman on there, you can pull up in the stretch, the track there --

Q What stretch?

A I was just going to mention that; that crossover "C" and the east main line switch at "A"; there is room in there for about 30 cars.

BY THE CHAIRMAN:

Q You mean on the siding or on the main line?

A On the siding, sir; there is room for about 30 cars in there, and my point is you cannot give signals on the engineman's side in there no matter how you place your men because you have got a mountain going straight up here on the south side; it goes right straight up.

BY MR. LEWIS:

Q Yes?

A And you will see an oil tank there and a pump house.

Q Toward the right of the sketch?

A That is right.

Q South?

A That is right, over where that track goes to the Okanagan Valley, and towards the spur there you will see --

Q Just a little south of the siding?

A That is correct.

Q Yes?

A With cars in it , not all the time, but quite frequently. And, by golly, I will have to get after this artist here; he left that freight shed out of it.

Q Where would that be?

A That freight shed is right where the switch goes into yard. See the crossover "C"?

Q Yes?

A Well, there is a freight shed right there at that point.

Q Right south of that?

A Is it south?

Q It is south, yes. Close to the siding?

A Yes, it is.

Q Just about where?

A Crossover marked "C". That is right, right near the crossover marked "C", and

then you can see how the yard turns right in kind of off to the side of that freight shed like, and one man must be there.

Q Must be where?

A Right on the west side of that freight shed. That is where the switches all are to the east tracks. These cars must be all pushed; I cannot just give them a kick and let them go because there is too much grade there. They will not run; they must all be pushed.

Q Pushed by the engine?

A That is correct.

Q Yes?

A One man must be there; he is lining switches there and cutting off cars and one thing and another there and another man back here half way or so; he is right up against the mountain.

Q Yes?

A And right around where this switch goes to the Okanagan branch line is still right up against the mountain. However, if he goes a little bit east of there, then he can walk away from the track a short distance, but it is not enough to see the engineman, and he cannot get up on top because he cannot see me from that point.

Q On top of what?

A On top of the car behind the engine, or any

cars behind the engine; he cannot see me; he is on this side of me altogether. So my point is there that you cannot make a move there until such time as the trains are gone and you can double your head end over on to the main line. I overlooked telling you now that this too is full of cars. I cannot double over in this yard because it is full of cars, no room in there. I am going to be lucky if I got enough room to make my set off in there.

Q But you can double over if you can use the main line.

A I can double over if I can use the main line, but, as it is, I am at a standstill there until such time as the first class trains have gone and I can double over on the main line.

Q I suppose there are times, Mr. Sanders, when you arrive on the sidings and would have time to double over where the first class trains are not right on top of you?

A Oh, yes. They may not be in there when you go through; that is quite true.

Q In that case you can double over on the main line?

A Yes.

Q And position the men so as to give signals to the engineer?

A Yes, you can do that if you can get -- you

must get out on the main line to do that, you see. You must do your switching, too, off the main line.

THE CHAIRMAN:

I do not seem to understand. The witness says that unless he can use the main line and the siding he cannot do his job at all; he has got to wait.

THE WITNESS: That is correct, sir.

THE CHAIRMAN: Then, what is the trouble. I do not understand it.

BY MR. LEWIS:

Q I will go back. You say unless you can use the main line and the siding at all times you cannot do your work. Is that what you said?

A I do not understand you, Mr. Lewis.

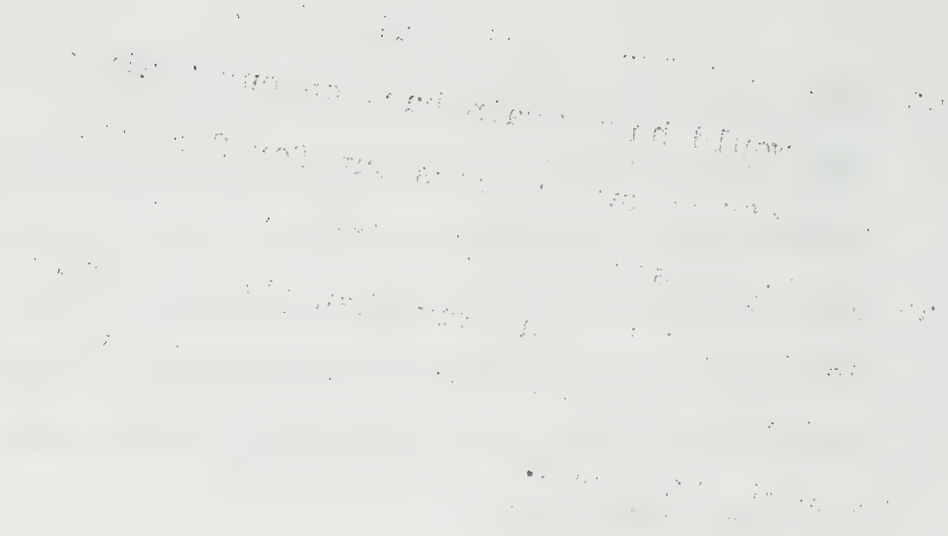
Q You told us that you work on the sidirg and if you work on the siding you must pass signals through the fireman. Is that right?

A That is correct, if you work on the siding.

Q Now, if the main line is free for you to use in your switching movements in the yard do you use both the main line and the siding then to double over your train; is that it?

A Well, we would if the main line was free, there, we would have headed out over that crossover "C" and we would have doubled those cars that are going to Revelstoke;

that is, over that to the main line. Then we would have again back on our train and started off to switch cars out for Sicamous and we have used the main line across that crossover and in that way then the men would position on the south side, as you can see the engineman then.



BY THE CHAIRMAN:

Q On the south side of what?

A On the south side of the siding.

Q Why don't you use the south side of the siding at all times when you are using the siding?

A If there was no fireman on there, the example I gave, we would have to use, the only place we could be is on the south side of the siding -- I am sorry, I made a mistake, I should have said the north side of the siding.

Q Your men are on the south side of the train and I cannot see how they could possibly be in communication with the firemen?

A Well, I have not made a very good job, I guess.

Q I am not following you, that is all I am saying, and I would like to.

A I am sorry.

BY MR. LEWIS:

Q Mr. Sanders, would you please do it this way, as I discussed it with you. Suppose that the car closest to the engine, which you have to cut off in order to set off your cars at Sicamous, is at the 22nd car from the rear, would it be, or from the head?

A From the head.

Q From the head. All right, then, suppose you just take us through this move step by step. You pull your train into the siding which you say would be done over the cross-over which is not shown on this sketch and which would be west of that --

A You are doing this move if there were no first class trains, if we were free to use the main line?

Q You can do it that way first and then the other way second. Let us assume you can use the main line?

A All right.

Q Then, you go on --

BY THE CHAIRMAN:

Q Does he in these circumstances -- would he go into the siding or would he go straight down the main line?

BY MR. LEWIS:

Q What would you do then, if you were free to use the main line?

A When we were free to use the main line we would have to go down right along the main line.

Q How far?

A Right down to the crossover C.

Q So then, you would have to cut off your 22 cars or whatever they are?

A We would have to cut off the through cars that are going with us and we would put

them down the siding, back behind us, the cars that are going through to Revelstoke, about 17 or 18 cars, something of that sort.

BY THE CHAIRMAN:

Q You are backing these cars across over C into the siding?

A That is correct.

BY MR. LEWIS:

Q And you leave them there?

A Yes.

Q Then, how would you do the switching into Sicamous here?

A We would come back then and couple on to the train and we would pull these cars ahead --

Q Ahead of what?

A Ahead beyond this crossover.

BY THE CHAIRMAN:

Q On the main line?

A On the main line, and we would shove back across that crossover and into whichever one of these tracks there was room for the cars we must set out to go south.

BY MR. LEWIS:

Q And you do that every time you get rid of one or two cars and want to find your other cars?

A That is the idea.

Q How would your signals be passed if you

were working along the main line in that way?

A As I say, in that way you can give signals to the engineman and you would be south of the main line.

BY HON. MR. McLAURIN:

Q The engineer is on the south side of the train?

A Yes.

MR. LEWIS: Is that clear now, sir?

THE CHAIRMAN: Yes.

BY MR. LEWIS:

Q Now then, take us through this move when you cannot use the main line, when you are not free to use the main line and you have, therefore, to work, to be on and work off the siding, as it were?

A Well, it amounts to just about the same thing only you cannot position your men on the south side of this siding in order to give signals to the engineman because you are right up against the side of the mountain and this freight shed is in your way, also a pumphouse and an oil tank and a spur with cars in it.

Q Perhaps I did not understand you, Mr. Sanders, the real difficulty is that when you are working off the siding the engineer will always be on the north side, is that right?

A No, he is on the south side.

Q I mean on the south side.

A Yes.

Q And you cannot position your men on the south side of the siding?

A Yes.

BY HON. MR. McLAURIN:

Q You have been deprived of the space that exists between the main line and the siding?

A That is it exactly; we are right up against the side of the mountain there.

BY MR. LEWIS:

Q Is there anything else?

A No. I think I want to draw attention to the fact that we have to stand still there until such time as we can use the main line.

Q If you are to pass signals to the engineer?

A That is correct.

Q Then, another place on the Shuswap Subdivision is Monte Creek?

A There is a lot of wheat stored at Monte Creek. While there is not a great deal of switching there right now, there has been, about six months ago, when they were lining up a lot of pool elevators in blocks.

Q As Exhibit 249, Mr. Chairman, I should like to file a sketch of Monte Creek.

EXHIBIT No. 249 -- Sketch of Monte Creek.

BY MR. LEWIS:

Q Which way would you be travelling with regard to this sketch of Monte Creek?

A You would be travelling west again. This sketch is not right.

Q This sketch is upside down, too?

A Yes.

Q You would be travelling west on the Canadian Pacific main line, westbound, right?

A Yes.

Q All right.

A That is double track there.

Q Yes?

A Well, my point here is that if you come along to this place --

Q Which place?

A Monte Creek, if you come along to Monte Creek and you have a bad order to set out, which many times I have done, a hot box, broken wheel, or one thing or another in bad order of any kind, that you cannot take into Kamloops, if it is more than 40 cars behind the engine you cannot relay signals there to set this car into this siding.

Q That is the one marked "Used for storage and bad order"?

A That is right.

BY THE CHAIRMAN:

Q More than 40 cars you cannot what?

A If you have more than 40 cars, if you had

a bad order behind more than 40 cars, you cannot relay signals to set out into that siding.

BY MR. LEWIS:

Q You cannot relay signals at all or to whom?

A You cannot relay signals to the engineman.

Q And you indicated on the sketch, or it was indicated on your instructions, Mr. Sanders, that between point E, just east of the switch of the siding, to point D --

A No, E is west of the switch.

Q Oh yes, I am sorry, west of the switch of that siding, between that point and point D holds 25 car lengths?

A That is right.

Q And between the point D and C holds another 15 cars?

A That is right.

MR. SINCLAIR: The top of this sketch, then, is south and the bottom is north?

MR. LEWIS: That is right.

MR. SINCLAIR: West, here, according to this arrow, is pointing to the right. In other words, it is just reversed.

HON. MR. MARTINEAU: How did you mean, reversed?

MR. SINCLAIR: North is at the bottom, south is at the top, east is to the left and the arrow marking west points to the right.

BY MR. LEWIS:

Q The point is that between the point marked E, just west of the switch of the siding, and the point marked C, towards the west edge of the sketch, you can locate 40 cars. There is 40 car lengths of space there?

A That is correct.

Q I was asking you whether this was a guess that you made or actual observation?

A No, I come in contact with that in setting wheat off at Monte Creek.

Q The point you are making, if I understand you correctly, is that if you have this bad order behind the engine more than 40 cars, then the locomotive goes around a curve?

A That is correct.

Q And because of that you say -- is that from experience or again is it a guess?

A No, from my experience.

Q Is there any way in which you can position your men there to give signals to the engineer when he goes around that curve?

A Well, he would have to go over the right of way fence.

Q What does that mean, where is this fence?

A This fence is about 20 or 25 feet from the track, I would say.

Q North or south of the track?

A It would be north.

Q If he went over this right of way fence,

he would go on to someone's private property, and if he did that could he relay signals to the engineer?

A I believe he could, all right, if he went over that right of way fence. There is only one other thing, then, this sketch here should have had a water tank right at that crossover.

Q Which crossover -- oh, there is only one crossover?

A Yes.

Q There is a water tank to the north or south of it?

A It is north of it. In that event, if he got over too far over the fence he might get out of sight of this fellow in the middle at D and me. I could not say for sure about that because I never put anybody over the right of way fence; that is going too far, I think.

Q Your evidence is that if he goes as far as the right of way fence north of these tracks, that would not help?

A No.

Q What about being on top of the car?

A On top of a car is no good because he cannot see the engineman.

Q Even if he is on the first car behind the locomotive?

A Even if he is on the first car.

BY THE CHAIRMAN:

Q How many cars in the train are you speaking about?

A Well, I really was not talking about any specific train here --

BY MR. LEWIS:

Q He is talking about any train with more than 40 cars.

A That is correct.

Q Or any move in which it is necessary to take more than 40 cars?

A That is correct.

Q How many units would you have in your locomotive consist, usually?

A Well, Monte Creek is on the Shuswap Subdivision, and two and three are the common thing.

Q Getting it down to one for the moment, assume that there was one unit, could a man on top of the car behind one unit be seen by the engineer, do you think?

A Yes.

Q Then, assume your locomotive consist was two units, could a man on top of the car behind two units be seen by the engineer?

A No.

Q So your evidence is that if the consist is more than one unit and a man was on top of the car, it would not assist, is that right?

A That is correct.

Q Now, are those two places on the Shuswap --

BY THE CHAIRMAN:

Q May I just understand this a little bit further. If you just had 40 cars to take into consideration and one unit in the locomotive, you could signal directly to the engineer?

A That is correct.

Q The same if you had two locomotive units?
A Yes; we can still do it with 40 cars.
Q And three units?
A Yes, sir.
Q If you had 41 cars then your three train crew are useless so far as signalling directly to the engineer?
A That is correct.

BY MR. LEWIS:

Q Now, turning to another subject. You were head-end trainman before you reached the position of conductor?
A That is correct.
Q How long were you head-end trainman, can you remember?
A Well, I was head-end trainman from 1927 all the way right up to about 1944.
Q With lay-offs during the depression, of course?
A That is correct.
Q Were you a head-end trainman when the trains were being pulled by hand-fired engines?
A Yes, sir, for a short time on the Shuswap Subdivision.
Q When you say a short time, how long would that be?
A Well, the steam engines were gone off there practically in 1929.
Q You mean hand-fired engines?
A I am sorry, yes, the hand-fired engines were pretty well gone off the Shuswap Subdivision in 1929. I started in 1927. Of course I was a spare man, working

spare, and I did some work on them and some work on the Mountain Subdivision, which was oil burners.

Q Whatever little you did between 1927 and 1929 on the Shuswap Subdivision would be mostly with hand-fired steam engines?

A It would be, yes.

Q That was the extent of your experience on them?

A That is right.

Q Were you a head-end trainman when trains were being pulled by stoker-fired engines?

A I was never on stokers to amount to anything, just had a few trips that I ever made on stoker engines.

Q What about oil?

A I have worked all on oil burners.

Q Let us take them one by one, Mr.Sanders, from the point of view of lookout possibilities. On the hand-fired engines on which you had experience where did you sit?

A Well, the seat that was supplied for the trainman to sit on was a little seat up near the boiler on the hand-fired engines I worked on and I took a seat up there only the odd time or two because it was a very uncomfortable seat and hard to

get into and hard to get out of and the lookout was very poor up there because there was steam coming off the injector and one thing and another blocking out your view from the front window and you didn't have enough room to look out the side. So it was very seldom I very got up on that seat.

Q In the winter when you were riding the head end on those hand-fired engines was there anything in addition to what you have said to obstruct your view or not?

A In the winter-time on these engines they had curtains across the gangway, canvas curtains.

THE CHAIRMAN: At the rear?

MR. LEWIS: No, the head end.

HON. MR. McLAURIN: Between the tender and the cab.

MR. LEWIS: I am sorry, I thought you meant the rear end of the train.

THE CHAIRMAN: Oh, no.

BY MR. LEWIS:

Q Where were those curtains exactly?

A Between the engine and the tender.

Q Did they have any effect on your lookout possibilities?

A It had a considerable effect on my lookout possibilities because I had

to pull that curtain back in order to have a lookout there, which was not very desirable because they are not very good engines to stand on anyway. They had an apron plate on them and it was jumping up and down and the hand-holds were not any too good to get hold of, and by the time you pushed this curtain back it was quite a dangerous thing to try to take a look out.

Q Would you describe for the Commission, Mr. Sanders, or rather would you compare the lookout possibilities that you have described that you had for yourself as the head-end brakeman with the lookout possibilities of the fireman on the same engine?

A Well, the fireman had a good lookout possibility.

Q When he was in his seat, I suppose?

A Exactly.

THE CHAIRMAN: Do I follow the witness correctly and am I to understand that he had no lookout at all on this type of engine, that he could not see forward, could not see out the side and he did not do anything about the curtains, so he could not look out?

BY MR. LEWIS:

Q Is that your evidence, Mr. Sanders?

A Well, I would not say that altogether. I said that it was a dangerous procedure to look out through these curtains, in my opinion, because you didn't have a proper handhold.

THE CHAIRMAN: Would you just clear up whether he did look out and when and how?

THE WITNESS: I did look out.

BY MR. LEWIS:

Q Just a moment.

A Because I had to look out to make the running inspections and get signals from the rear end.

Q Where did you do that? Let us take it first in the summer. What did you do in the summer weather? Where did you do it from in the summer?

A From the gangway in between the engine and the tender. In the summer-time the curtain is not there; they have it just in the winter.

Q In the winter, how did you look out to inspect your train?

A That is the way I looked out, I pulled the curtain back and looked out that way.

Q That is how you looked out to inspect

your train, to make your inspection of the train and exchange signals with the rear end. Suppose you were approaching an order board or something like that, a train order board or something where a lookout was required, what did you do?

A I would look out there too.

Q Where from?

A Well, I will tell you the practice I followed. As I said, I didn't get up on that seat a great deal. The odd time I would get up on that seat, but not very often. Maybe going up a hill I would get up on that seat when we were going slow or something. I would sit down there and I would just make a habit of looking out for signals from the rear and I would go from one side to the other, whichever side the curve was on there; I might stand up there for quite some time. If you were approaching a train order board or a crossing or anything of that sort where there might be some hazard attached, I would still continue to be looking out.

Q But in the opposite direction? You would stand there looking forward instead of looking back?

A I would do my job backwards and then I

would be looking forward.

Q But you did that when you stood in the gangway in the summer or at the curtain in the winter; when you did that did you have any difficulty looking either backward or forward?

A Oh, no, there is no difficulty.

Q You had a good view?

A You could look both ways, yes.

MR. LEWIS: Does that clear that up, Mr. Chairman?

THE CHAIRMAN: Except that he did not describe very accurately just what kind of lookout the fireman had.

THE WITNESS: The fireman would keep a lookout to the best of his ability between putting in fires and one thing and another. He would keep a lookout to the best of his ability and he was always on lookout going through trains.

BY MR. LEWIS:

Q Excuse me for a minute, you are not answering the question that has been put to you. The Chairman would like to know from you what the lookout possibility, what was the physical arrangement which made it possible for the fireman to look out when he looked out. Did he have a front lookout, a side lookout and, if so, where?

A He had a seat right there near the side window. He had a good lookout.

Q It was through the side window that he had his lookout?

A Yes.

BY THE CHAIRMAN:

Q He would put his head out the window?

A Yes.

BY MR. LEWIS:

Q You say that he did look out to the best of his ability as you were approaching these various things?

A True.

Q On oil-fired engines, Mr. Sanders; did you ride the 5700 oil-fired engines?

A Yes, I did most of my riding on there.

Q Would you describe where you sat there?

A I was right down on the deck of the engine near the sand box, right behind the engineman practically.

Q Practically behind the engineer?

A That is right.

Q And the fireman, where was he sitting?

A He was sitting up on the opposite side of the engineer, on the platform with the seat box on it.

Q Where was your chair, where did it face?

A It faced forward right to the fire-box door.

Q Did you have any forward lookout possibility when you sat there?

A None at all, not a bit.

Q What about the fireman, did he have any?

A Yes, the fireman was the fellow that had the lookout.

Q Through what, the front window or the side window or what?

A Mostly through the side window. Of course he could see out through the front window provided it wasn't all fogged up with steam or something.

Q How did you as head-end brakeman carry out your lookout responsibilities on the 5700 oil burner?

A Well, it was quite difficult at times. You would have to get up to look out the door to inspect your train when you were doing it. I mean, you didn't know whether you were approaching a station where you could get a signal from the rear or not. You really had no idea where you were when you got up to have a look out. The only thing you knew, if the engineman blew his whistle at the mile board you would get up. That is when I would get up. I would make an inspection of the train and get the signal from the rear end while I was up. Then I would wait for

another curve and inspect the other side of the train.

Q When would you keep a lookout forward?

A I could not except when I was doing that. When I was getting signals from the rear and inspecting the train at the time I would be standing there and I would just glance forward.

Q Did you ride the 5900 oil burner?

A Yes.

Q Would you describe briefly the seating and lookout possibilities on the 5900?

A The fireman and brakeman had a seat; there were two seats on the fireman's side. The fireman sat in the front and the brakeman sat to the rear. The boilers on the 5900 were awfully hot and if the fireman had his seat forward he would be right up against the boiler. Many of them pushed in a piece of canvas to hang up there to keep a certain amount of the heat away, and in that way he would put his seat back away from the boiler as far as he could. When he did that I had no lookout from the side window at all.

Q Unless you had a little fellow like me in front of you?

A Even with one as small as you I would still not have any. It wasn't the size

of the fellow so much as it was the back of the seat sticking up there that prevented me getting in to the window. I couldn't even get in there to look out.

There was no lookout to the front except through a little window and you couldn't see anything.

Q That small window to the front, would it provide any lookout for the fireman?

A No.

Q Nor for you?

A No.

Q Where did the fireman, if he did, have any lookout possibilities?

A At the side window.

Q Where did you carry out your lookout responsibilities under the rules?

A Out through the doorway.

Q The same way as with the 5700?

A The same way as with the 5700, yes.

Q Were you head-end brakeman on the 500 oil burner?

A Yes, but not to any great extent. They had the same little seat up in there as in the hand-fired coal engine days, and then later they did away with this seat and put the seat down on the deck, the same as on the 5700 class.

Q So you had that same situation there?

A That is right, exactly.

Q Did you ride the 2700 oil burner?

A Yes, I have rode on some of them. They had a different arrangement for the seat. They had a little seat that was hung on the tank box right behind the fireman and there was a panel in the door of the cab that used to slide down and we could look out that door and observe things behind and ahead, but it wasn't a very satisfactory arrangement because it would become damaged or something and somebody would just put a nail in it and you couldn't get the panel opened any more in order to have a lookout. I would have to get down after folding back this little seat and then open the door to look out.

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Q And how about the fireman on the 2700?

A The fireman, he had a good view.

Q Where?

A Out the side window mostly but, as I say, if there was no steam or anything else he could see out the front window.

Q Now, did you ride on any other oil engines than the four we have mentioned, the 5700, the 5900, the 500 and the 2700? Did you ride on any others?

A No.

Q Now, on the road switchers, Mr. Sanders, what have been the seating arrangements in your experience?

A In my experience the fireman has sat in the front seat on road switchers.

Q And do you know whether that still is the case or whether that has been changed?

A Well, I understand that has been changed.

Q You say you understand. This understanding you have, have you received that since you have come east?

A Yes, sir.

Q And how has it beenchanged, by word of mouth or by written order or how?

A By bulletin.

Q Do you remember anything about the bulletin which was sent to you or which you have seen? Perhaps I might put this on the record, Mr. Chairman, if I may, and my friend

can check it. I do not have an original but a copy this time. The bulletin was dated May 22, 1957, at Vancouver, and it is apparently addressed to Vancouver, Coquitlam, North Bend and Kamloops. It is Bulletin No. 201 and is addressed to the conductors' and trainmen's bulletin books and to the engineers' and firemen's bulletin books and reads:

> "On road switcher units in freight service the head end trainman will occupy the forward seat on the left-hand side of the cab and the fireman will occupy the rear seat."

According to my instructions the bulletin was signed by W. R. Flett, superintendent. As I understand you, you had not seen this bulletin before you left Revelstoke?

A No, sir.

Q Now, in your experience as a head end trainman, Mr. Sanders, can you give the Commission any recollection as to whom the engineer looked to for advice during a trip with regard to meets or the clearing of trains or anything of that sort?

A Well, it just depended on who his other two men were on the engine. I remember well the very first trip that I ever made, and the fireman on there was a man with four years seniority. He started in 1923 four years

ahead of me, and the engineman, of course he had quite a bit more seniority than that and the engineman would naturally look to this fireman for any information along that line about meets or checking time cards and things of that sort because I know absolutely nothing. I might just as well have never made a student trip for all I know.

Q How many student trips had you made in 1927?

A One trip each way, one trip over the Mountain Subdivision and one trip over the Shuswap.

Q Then you had your first paid trip?

A Yes sir, and it is quite some time before you get on to train orders and time cards and the railroad job in general, and that is what I found, that the engineman, he would consult the fireman there along that line but of course, mind you, he could get a young fireman that wouldn't know any more than the brakeman. He might be there with two men that weren't very well experienced and then on the other hand he might have a young fireman and might have a brakeman with lots of experience. But he would still go to the fireman to find out how the fireman was making out for steam, "Do you think we can make this place, are you going to keep her hot", and things of that sort. He wouldn't question

me along that line. I wouldn't know anything about that at all.

Q I think your story may not be too clear there. In your last remarks after referring to your first trip you are assuming now that you have had some experience as a head end brakeman?

A Yes.

Q And the fireman is an experienced fireman of whatever length of service and you are both there and it is at that point that you suggest the engineer would ask the fireman whether he could give him steam and so on?

A That is right.

Q You are not dealing with your early experience then?

A No, that is right.

Q Now, I would like any comment you have to make to the Commission with regard to signal passing from the tops of cars, from the point of view of safety, Mr. Sanders?

A Well, it is certainly not a safe practice to get up on top of cars, I don't think. Anyway, as far as my experience is concerned, I don't like going up there myself even in the summertime. You will find nails and screws that have loosened up off the running boards and many times I have tripped on them things and pretty near went off the car, so even in the summertime it isn't a safe place to go but we

have to go up there because there is times we cannot do anything else about it.

Q In the wintertime, Mr. Sanders, have you found in your experience that one car might be safer than another on the train to get up on or are they all about the same?

A Oh no, in the wintertime you could find one car clear of snow and the next car might be full of snow and they go along that way, one car full of snow and the next one not. Any time you have got to go up on a car you are not going up on that one full of snow. It means you have to start cleaning the snow away from the grab irons at the top so you can get hold of them so you are going to get on the car that is the safest car to get on to.

Q May I turn your attention, Mr. Sanders, to an incident which you yourself observed in the Kamloops yard on April 28, 1957. Would you please tell the Commission about that?

A Yes. We were called in Kamloops to go east and we had to double our train over and the usual procedure there is that the tail end brakeman will go up into the station and he will get the numbers of the cars that are to be doubled over and find out which track they are in and I will remain there to get the train orders and the bills and

then I will proceed to the head end.

This particular trip, I just arrived at the head end when they were pulling four cars, two units, out of No. 6 track and they were going to double those cars over on to No. 3 and it just so happened when I just arrived there they were just pulling out of there and I was able to board the diesel engine unit that was on the head end.

Q From what side did you board it?

A I boarded it on the engineman's side.

Q Yes?

A And I walked along the walkway and I was going in the door behind him.

Q That was a road switcher?

A That is a road switcher, and I was entering the door behind the engineman and at this time we were just coming to Eighth Avenue crossing. In fact, we were just about on the crossing and the fireman said, "Hold her." Of course, I don't know anything about this. I am just entering the door. I just heard this and so I took a look just like this. I thought there must be some car there and this car just scooted right across there. If the fireman hadn't hollered when he did we would have hit the car. That is for sure.

Q Now, you have explained that you had been in the office getting your way bills and so on

and had just come on to the head end of the train when this happened. Where were the two trainmen?

A They were back making this double over. They had been back into No. 6 and got these four cars they had to double over on to No. 3, and they pulled the pin down in there and just gave the engineman -- the head brakeman was just about behind the second unit.

Q Yes?

A And the other man was at the four cars where he pulled the pin.

Q Now, could the head end brakeman not be at the lead point of the engine to give that signal to the engineer?

A Well, he could have been, yes, but it would have meant that the fellow back there that was pulling the pin, he would have had to just pull that pin and give the man behind the second unit a sign to go ahead easy, just so they separate the cars, and then the head end man would be able to walk up and get on the engine. The other fellow would walk up and stay behind the second unit.

Q To give the proceed signal?

A Yes.

Q Why would they have to do that? Could he or could he not give the signal directly to the head end man from the fourth car behind the engine or could they not see

each other?

A Well, they could see each other in the position they were in when he was at the back of the unit and the other fellow at the cars but when the other man walks to the head end the engineman cannot see anybody behind them.

Q I do not quite follow you. Perhaps I did not make myself clear. Suppose the head end man was at the lead unit on the engineman's side in some appropriate position and the rear end man was at the end of the fourth car. Could they or could they not pass signals to each other?

A No.

Q Why is that?

A On account of the curvature.

Q Then in order to pass signals the rear end man would have to be at the rear of the second unit?

A Correct.

Q When the head end man was at the head of the first unit?

A Correct.

Q You say that could have been done by the rear end man giving the signal to move a few feet to separate and then walking up and the other man walking up. Now, suppose they had waited for you, Mr. Sanders, to come up from the office before starting these

switching moves, in other words, if you had been there. It would then have been possible, would it, for you three to position yourselves so that one of your crew could be on the look out in front of the engine?

A That is correct.

Q If they had waited for you then they could have done it?

A Yes.

MR. LEWIS: I think I am doing what you asked the other day, giving the various alternatives.

THE CHAIRMAN: Well, I don't know whether or not that was a good suggestion. I suppose it always gets down to that question. I think perhaps we will adjourn now until 2 o'clock.

--- The Commission adjourned at 12.30 p.m. until 2 p.m.

Friday,
June 7, 1957

AFTERNOON SESSION

-- The Commission resumed at 2.00 p.m.

STEVE SANDERS, Recalled

EXAMINED BY MR. LEWIS:

Q Mr. Sanders, what is your general practice as a conductor with regard to the giving of signals? Do you, as a general practice, give them on the engineer's side or on the other side?

A Yes, we give them on the engineer's side as a general practice, but there is times when the safety of the movement has got to be taken into consideratinn, and we may have a young brakeman making his first or second trip, and he does not understand anything in the railroad game too well, and signals are not easy for him to understand, and I found at times that he would repeat some signal that was not what you were giving him at all. And I have many times had a man of that sort, and I would give to the fireman because he understood signals, know what you were giving him, and he would repeat the signal to the engineman in the proper manner.

Q Now, Mr. Sanders, from your experience as a trainman and as a condcutor -- I put the question to you as I have to others -- what would be your reaction as a conductor

if tomorrow or next month the firemen were to be removed from diesel engines in freight service?

A Well, I came here to give evidence on my experience, and if the fireman was removed from engines I do not think it would be a safe operation for me working or the general public, because the fireman, he is a very valuable man in checking time tables and train orders, and I believe that it takes five men to do that because many times the whole five men have overlooked something and there has been an accident involved. I do not know why the fireman may be any more alert than any of the other members of the crew, but I do know around our division there, Revelstoke, I have heard many conductors -- and I have said the same thing myself -- when I would be checking up on the orders, hewould say, "I have to make a good job of this because when I get away up there my fireman will find something wrong with it and I will have to come all the way back," and this has happened to me, too.

Q Mr. Sanders, in some of those instances which you have described and on breaks in two of the train, for one reason or another, which was said are typical of the mountain sub-division in your experience,but not so

typical of the Shuswap subdivision, would you or would you not have been able to carry out your duties as conductor in taking the train over the road if the fireman were not there on the engine.

A No, I would say not, I sure would not be able to do that in those instances which I gave here this morning; I would not be able to do it.

Q You have been a conductor regularly since 1951, if I remember correctly; is that right?

A That is right.

Q For how many of those years, roughly six or seven years, have you worked on diesel engines in your part of the route?

A Well, ever since the diesel started to come in there about 1952, I believe.

Q In those years since 1952 have you or have you not had experience with something happening to the diesel engine on the road?

A Oh, yes, I have all right. Just a short time before I came down on here, why, we left Revelstoke going west and we got down pretty slow. I thought too much tonnage on this train or something, in all probability. For two or three miles just crawling along, and then after that we picked up and so the first opportunity I had I asked the engineman what was the matter leaving Revelstoke,

and he told me that one of the units had quit on him and that the fireman was able to get it going again. Just what was wrong I would not know that.

Q Was that experience which you had just before coming down here an isolated instance, or have you had other such experiences.

A No, this happens quite a number of times going up this same hill that I gave this instance on; that has happened a number of times on that same hill. The fireman was able to get the engine going again and prevented us from stopping; whereas, if we had to come to a halt, in all probability in trying to lift the train again something would have broken.

Q Have you or have you not had experience with something going wrong on the diesel other than on the engine itself?

A Well, I do know instances coming out of Field, the dynamic brake won't be working and it came into Field that way. The engineman, he would report it and we would leave there with no dynamic brake; prepared to work retainers out of Leancholl, and by the time we had arrived at Leancholl the fireman had got this dynamic brake working, and in that way we did not have to use retainers which makes for a considerably

faster trip over these subdivisions.

Q Finally, from your experience, Mr. Sanders, working on the Okanagan subdivision which I mentioned, have you anything to comment on your work in that subdivision?

A Well, I have not worked on that Okanagan subdivision for quite a few years. I was right over on the mountain subdivision for over five years and I made one trip down there since I transferred to the Shuswap so I really am not very well acquainted with that country. They have put in a lot of new trackage and things along the switches and things of that sort down there, so I am not very well acquainted with it as it stands today, but I had been around Kelowna yard and Vernon in the years that I worked there; we had to give signals on the fireman's side in many places.

Q When I gave your history of service to the Commission I said that you had had experience on theOkanagan subdivision, and I wanted to make clear that it is back some years.

A That is right.

Q You cannot give from your experience what the situation on that subdivision has been in the last few years?

A No, I could not say that.

Q There is another question I wanted to ask you, again from your experience over the mountain subdivision, which is governed by the mountain differential, and over the Shuswap subdivision recently, which is governed by the valley differential; would you give the Commission, please, the benefit of your experience as to work on the two subdivisions, first the mountain subdivision as compared with the Shuswap. Does it impose --

MR. SINCLAIR: Well --

BY MR. LEWIS:

Q I will leave the question as I put it to you.

A Well, we certainly do not get over the road near as fast on the mountain subdivision as we do on the Shuswap, and we run into a lot more work along this line of those instances I have pointed out here, and when we haul them over A rating tonnage out of Field we must still use retainers, and the Shuswap subdivision we do not appear to run into the same trouble; in fact, we do not run into the same amount of trouble as we do on the mountain and we do not use retainers there any more at all, unless the dynamic brake is not working on the engines.

MR. LEWIS: Thank you; that is all, sir.

THE CHAIRMAN: Just before the adjournment the witness was speaking of an incident that took

place where he had come out of a station, come out to the head of the train just as he was moving four cars and climbed up --

MR. LEWIS: Yes, sir.

THE CHAIRMAN: Apparently this was just when the engine was going to go over the crossing. You did not ask him whether or not that crossing was flagged, or should have been flagged.

BY MR. LEWIS:

Q This was the Kamloops incident on April 28th.

A That is correct.

Q April 28th last; when you left the office, came up to the head of the train, the head of the engine and walked in, and you were just near Eighth Avenue, I think you said in Kamloops, about to go over. Was Eighth Avenue flagged at the time?

A No.

Q How was it protected?

A It is not protected at all.

Q No one flagged it.

A No; it is not necessary to flag.

Q Why is that?

A There is no instructions to flag the crossing at all, just ring the bell and blow the whistle, that is all.

Q In that sort of situation, Mr. Sanders, is there or is there not any requirement by the rules that someone ride the point of movement?

A No, not the engine.

Q Not the engine?

BY THE CHAIRMAN:

Q You said no?

A No.

MR. LEWIS: I thought I remembered something in the rules, but you are probably right and I am wrong.

MR. SINCLAIR: Before I start my cross-examination of this witness may I say that the Commission asked me to get some information from London, and I asked Mr. Emerson to ascertain it. He cabled yesterday and asked:

"Please ascertain from British Transportation Commission --"

It is addressed to the company's General European Manager. I continue with the telegram:

" -- what crew is on freight r trains other than engineer and fireman if switching is done en route, is there a man at station used to assist?"

The answer from Mr. Arkle's assistant is:

"Yours 6 British Transportation Commission advise crew on steam freight operated/trains apart from foot plate --"

That is apart from the people on the footplate which you will recall was Mr.

Emerson's evidence to be the engineman and the fireman, the two men on the plate, the English term for "on the engine". I continue:

> "-- consists one man designated guard riding rear end in brake van who is responsible for switching done en route, detach and couple wagons assisted by station porter where available."

I might paraphrase that. My friend will agree with this. According to the evidence three men would be the total crew, the engineer and the fireman on the head end and the guard in the guard's van at the rear.

THE CHAIRMAN: I read over the evidence of Mr. Emerson and that point seemed not to have been covered.

MR. SINCLAIR: That is right, sir. I checked my notes and I found I had a note of it and I must apologize to the Commission that I did not ask him about it.

THE CHAIRMAN: Well, we have it now, thank you.

BY MR. SINCLAIR:

Q Now, Mr. Sanders, you said in answer to my friend that where possible you gave signals directly to the engineman?

A That is right.

Q And you do that because that is the safest and proper practice?

A Except in some instances.

Q Except in some instances where you would have a man you could not rely on as signal passer?

A Correct.

Q It is your duty as a conductor, if you are not satisfied with the trainman, to bring that to the attention of your superiors, that he is not capable of carrying out his work?

A That is correct.

Q Have you done so?

A I would do so, but the man must have a chance. He cannot learn in one day.

Q But you would be prepared, I suppose, to say to your supervisor, Joe Smith needs more training in taking signals?

A Yes, I would give him training myself.

Q You would give him training yourself?

A Yes, sir.

Q But if you were going to make moves in which you needed your two brakemen and yourself, then you would satisfy yourself before you left the terminal that the man with you was capable of carrying out to your satisfaction any work that you would assign to him?

A I could not very well do that.

Q You could not do that?

A I could not very well do that.

Q If the company certified that this man was trained, would that not satisfy you?

A Yes, if they were going to assume responsibility.

Q For saying he was competent to take signals properly?

A Correct.

Q Now, as I gathered the purport of your evidence, you said that in moving over the road you should have a man on the right side and a man on the left side carrying on lookout?

A Correct.

Q And when that is done that takes care of

you as you move over the road?

A That takes care of the lookout, yes.

Q In each of these cases that you described in Exhibits 245 through 249, Mr. Sanders, in each of those cases in which you used the fireman, that expedited the movement?

A Yes, sir.

Q But if you had delayed until either one or in some instances the two brakemen were available to assist you the move could have been safely and efficiently made?

A Correct.

Q You gave some examples of break in twos on the Mountain and heavy grade territory, sometimes on the Shuswap, but you said not as often; isn't that right?

A That is correct.

Q One of them was raised locking blocks?

A Correct.

Q You gave one instance, I think, which was at Pritchard?

A Correct.

Q Now, that is an unusual difficulty, isn't it, Mr. Sanders?

A No.

Q When did you have one before that?

A I cannot name when I had them, but I have had them many times.

Q Over the years you may have had some, but they are not usual?

A I have had many.

Q What would you call many -- twice as many as draw bars?

A I beg your pardon?

Q Twice as many, away more than draw bars?

A Away more than draw bars.

Q I am not talking about slip-bys now?

A I know, locking blocks lifting.

Q You would have away more than draw bars?

A Yes, sir.

Q Then you could remember, could you not -- you gave instances here of draw bars -- would you have more locking blocks than you would knuckles?

A Yes.

Q All right, then, you can tell us, I am sure how many times you have had them in the two months before you came down here, say the months of March and April?

A Just once.

Q Let us go from the first of the year?

A Just once.

Q Just once since the first of the year? That would be in the first four months? All right, for the last six months of 1956?

A I would say probably two or three.

Q Two or three in the last six months of 1956?

A Yes.

Q And in the first six months, two or three?

A Yes, I would say so.

Q Did you have any in December, 1956?

A I could not remember that.

Q Or November?

A Well, they would be in those six months; I cannot remember the months. I have had that happen to me --

Q Sorry -- I was going to ask you would you have reported that?

A -- three or four times over the subdivision. Yes.

Q You would report them?

A Yes, I would report them to the car man.

Q You would report them to the car man. You would report the delays?

A No, sometimes I would not report delays.

Q But you would always report raised locking blocks?

A Quite true.

Q As you say, you had two or three in the last six months of 1956. Now, slip-bys, that is slip-by of the knuckles, highs and lows, they are sometimes called?

A That is correct.

Q How many of those have you had in 1957?

A None.

Q And how many in 1956?

A Well, that is a pretty hard thing to remember, but I know I had two of them on this same hill.

Q In the year 1956?

A Yes, sir.

Q Actually, when you were talking about highs and lows being troublesome, there was some on the Mountain Subdivision a few years ago -- they were not an everyday occurrence but there were quite a few of them -- you remember that?

A Yes.

Q That is what your evidence was based upon, that is before they reballasted the track, before they took out some of the older cars?

A No, sir.

Q You do not remember the period where they had a little trouble about those?

A They are still having trouble.

Q They are still having trouble?

A Yes.

Q You think this is just as prevalent now as it was before they made these improvements?

A I believe it is.

Q You do not think the age of the car has anything to do with that?

A Yes, sir, I do.

Q They have taken out of the Canadian Pacific freight car inventory a substantial number of older types of cars in the last two or three years?

A Quite correct.

Q The age of the car has something to do with breaking knuckles, doesn't it? These older cars, they are more prevalent than in the newer type of equipment?

A No, sir.

Q You would not agree with that. But actually, the cause of knuckles may be, more than anything else, caused by the lifting of a train wrongly?

A I beg pardon?

Q By lifting a train wrongly?

A No.

Q You would not agree with that?

A No.

Q That has nothing to do with it?

A No.

Q Would that have anything to do with draw bars?

A No.

Q Would old cars have anything to do with draw bars?

A Old cars have something to do with draw bars, yes.

Q Pardon?

A Old cars have something to do with draw bars, yes.

Q The handling of the train is what I asked?

A The handling of the train?

Q Yes, by the engine?

A No, we have no draw bars that I know of lately that would have anything to do with the engineman handling the train; I cannot recollect of any right now.

Q If he does not use his slack properly in handling, that can get a draw bar, can't it?

A Yes, it is possible.

Q If he lifts the train before the brakes are properly off, that will get a draw bar sometimes?

A That is quite true.

Q Now, you said that these troubles were typical. You gave a number of examples of draw bars in these exhibits. How many draw bars do you think there would be -- pardon me, before I ask that. It is the duty of the conductor to report any draw bar failures?

A Quite true.

Q And where you set the car out is where you report it? You report it at Sturdee or if you set it out at Griffith on the passing track, you report it at Griffith; that is where you report it, isn't it?

A Not necessarily at Griffith.

Q Where you leave the car you report it?

A We report it at the first local telegraph office.

Q And you tell them where you left the car?

A Yes.

Q You have had a lot of experience in the Mountain Subdivision. How many draw bars would you think they had trouble with on all freight trains on the Canadian Pacific in the year 1956?

A I could not answer that question.

Q Well now, how many conductors are there?

A I beg your pardon?

Q You know how many conductors there are in freight service on your subdivision?

A Yes.

Q How many conductors, freight?

A On the Mountain Subdivision at that time, the year 1956, I think there were around 15 or 16.

M-2 Q Would every one of those conductors have one or two or more draw bars?

A Well, I do not keep track of what other conductors have.

Q How many would you have, in the year 1956?

A Well, I have in these here exhibits, there are three draw bars right there, and I cannot recollect whether I had any more or not during 1956.

Q You say that they are more prevalent now than they used to be in the steam days?

A Yes, sir.

Q Much more?

A Yes, sir.

Q How many times more, an estimate?

A Well, I would say 50 per cent.

Q Five times as much?

A Not five times as much.

Q Twice as much?

A Twice as much.

Q At least twice?

A At least twice.

THE CHAIRMAN: The witness gave an estimate of 50 per cent, Mr. Sinclair, and then you went on questioning. I am not sure you heard him. I just wondered what the answer is.

MR. SINCLAIR: I am sorry; you say 50 per cent?

THE WITNESS: I meant twice as much.

BY MR. SINCLAIR:

Q You did not mean 50 per cent, you meant twice as many?

A Yes.

MR. LEWIS: It used to be 50 per cent of what it is now.

THE WITNESS: Yes, that would make it right.

BY MR. SINCLAIR:

Q Was there a marked increase in 1956 over 1955, as you recollect it?

A I could not recollect anything along that line.

Q Would it surprise you, witness -- I have

this information from the company's records, that on the total, entire subdivision, Mountain Subdivision, in freight service in 1956 there were 23 draw bar failures.

A 1956?

Q Yes?

A Well, I say I do not know. I do not keep a record of them.

Q And in 1953 there were 25; in each of the years, 1954 there were 16, and in 1955 there were 13. As a comparison with steam -- in 1950 there were no diesels in road service freight there?

A I do not believe so.

Q There were 15 then, which would be between 1 and 1½ per conductor; would that be about right?

A Well, I could not say. I do not keep any record. You have the record there, Mr. Sinclair.

Q You do report every one of them?

A Well, now --

Q Draw-bars?

A We might say that there is one of them I didn't report. You will notice there is no 1409 with it.

Q Draw-bars?

A That is a draw-bar.

Q You would not report it?

A I am sorry, it is not a draw-bar, it is two knuckles.

Q Now, Mr. Sanders, over the years you have made quite a few trips with the gentleman who is the court room here, Mr. Hooley?

A Yes, sir, I have.

Q You remember those trips. Did you ever have any draw-bars or other trouble when Mr. Hooley was handling the engine?

A I could not remember that.

Q You can remember when he was on the train?

A Sure, I remember. I have worked with Mr. Hooley but I could not remember whether I got draw-bars or knuckles with Mr. Hooley.

Q When he has been around there in recent years have you been with him at all?

A It has been quite a number of years

now since I have worked with Mr. Hooley.

Q You cannot remember having any difficulty when working with him?

MR. LEWIS: He said he could not remember. I do not see how much more my friend can expect. He said he could not remember whether or not he had these things with Mr. Hooley when he was working with Mr. Hooley. I do not know just how much more you can press the witness.

THE CHAIRMAN: Sometimes a question is repeated in another form. I think we will allow the question.

MR. SINCLAIR: My friend is getting terribly anxious.

MR. LEWIS: Now, I have no anxiety at all. It is just that I do not think my friend knows when to stop.

THE CHAIRMAN: There is a question to which you want an answer?

MR. SINCLAIR: I take it that my friend is concerned about my wasting time, and on that basis I will --

MR. LEWIS: My friend need not attempt to interpret what I am concerned about. I will tell him.

MR. SINCLAIR: You are concerned about the facts.

BY MR. SINCLAIR:

Q Very well, witness, answer the question.

A What is the question?

Q You cannot remember having any trouble on trips with Mr. Hooley?

A No, sir, I cannot.

Q You talked about setting out grain cars at Monte Creek?

A Yes, sir.

Q As I recall your evidence, you said that up until six months or so ago -- correct me if I am wrong -- that would be around November, would it?

A About that, yes.

Q That the practice was to set out grain cars there in blocks for elevators at Vancouver, and I think you mentioned Pool 3 and Pool 2?

A I said previous to that they were just setting them up and we switched them into blocks.

Q You say that up to six months ago you had had some switching?

A Correct.

Q But for the last six months you have not been doing it?

A The cars have been lined up in blocks.

Q And you have been setting them out in blocks and not doing any switching?

A Correct.

Q You are receiving the cars on your trains in blocks?

A Correct.

Q There has been a change in the practice as to how they are put on the trains coming out of Calgary or other places east?

A Yes.

Q So you are not doing any switching at Monte Creek?

A No, sir.

Q How often do you set out there, very often?

A Yes, quite often.

Q Well, how many times on the average? Would it be every third trip, every fourth trip, or when you are an extra, or what?

A Every extra going west would set out cars, not all at Monte Creek but somewhere over the road.

Q What you are saying is that it is usual for an extra west out of Revelstoke on the Shuswap Subdivision to set out at one place over the subdivision?

A Correct.

THE CHAIRMAN: Monte Creek was the place where the witness said they had set out a defective car.

MR. SINCLAIR: This was additional evidence. He also gave some evidence in

answer to my friend that grain cars were switched there. That is as I recall and according to my notes.

BY MR. SINCLAIR:

Q Then, Mr. Sanders, some of your evidence had to do with riding the top of cars, remember that?

A Yes, sir.

Q When you started out on the railroad the brakemen used, to use the vernacular, to decorate the train at every hill. They would go up on top and ride down the hill up on top setting up brakes, releasing them and doing things of that nature. It was a regular occurrence?

A Quite true.

Q Winter and summer?

A True.

Q Good weather and bad weather?

A Yes, sir.

Q Sometimes the conductor would be up there too?

A No.

Q He always stayed down in the crummy where it was warm?

A Yes.

Q When you had a green man you would not say, "You stay down here where it is warm and I will go up there", Mr. Sanders?

A No, sir.

Q You always sent the brakeman up?

A Yes, sir.

Q According to your evidence, quite a number of times you have experienced trouble with diesels on the Mountain and Shuswap?

A Yes, sir.

Q That the firemen have fixed?

A So I have been informed.

Q Would it be one trip out of ten or one trip out of what?

A Yes, one trip out of ten would be a pretty good figure, I would say.

Q Then I think you went on to say that you did not know what the fireman did, you were just told that he did something; the engineman told you that?

A That is quite true.

Q You have pretty good enginemen on the Mountain and Shuswap Subdivisions, Mr. Sanders?

A Yes.

Q They know diesels, do they?

A Well, I could not say how well they know diesels; I could not say that.

Q Do you think the firemen know them?

A Well, I could not say that either. All I know is what I have been told.

Q You said that you do not get over

the road so fast on the Mountain Subdivision as you do on the Shuswap?

A That is true.

Q Another place you said you did more switching en route on the Shuswap?

A That is true.

Q Why is that, are there more meets on the Mountain with passenger trains, with second-class trains or superior trains; is that one of the reasons you are taking more time on the road?

A It could be.

Q Now, with regard to some of these difficulties that you had in giving signals direct to the engineman and that you had in your mind when you were describing these conditions, Mr. Sanders. Have you ever considered the use of radio to enable the ground crew and the engineman to be in communication?

A No, I have not.

Q Have you ever seen them used?

A No.

Q Have you ever read about them being used in your journals or anything of that nature?

A No, I have not.

Q When you were working with a three or four-unit consist of locomotives, one of the engines could be pointed in the

way you were going, and another unit could be pointed in the direction of the train, facing the train? We will take it this way. You could have a road switcher or A on the head end, then a B unit and then a road switcher headed toward the train. Have you ever seen that kind of consist?

A Yes.

Q In those cases where you had to use the fireman have you ever thought of having the engineman change controls from one end to the other?

A Provided they are lined up the way you stated, yes, that would be all right.

Q That would be an advantage?

A Yes, sir.

Q Then in some of the cases where you are presently giving signals to the fireman you could then give them direct to the engineman; that is what you mean?

A Correct.

Q Mr. Sanders, you were giving some evidence as to seeing a man on top of a car from consists of various sizes. With one unit you can see him; with two units or more you could not see him back more than 40 cars, I believe you said?

A That is very true.

Q What kind of units were you talking about, A's or road switchers?

A Road switchers.

THE CHAIRMAN: I am not just following this.

MR. SINCLAIR: The witness said he had difficulty seeing a man up on top of the first car behind the engine when there was more than one unit in the consist.

THE CHAIRMAN: Difficulty on whose part?

MR. SINCLAIR: The engineman's.

THE CHAIRMAN: As I understand the evidence, it was that if the trainman was on the first car behind a single unit the engineer could see him.

MR. SINCLAIR: That is right.

THE CHAIRMAN: But if there was another unit in between he could not see him.

MR. SINCLAIR: If there were more than 40 cars.

THE WITNESS: The cars had nothing to do with it.

THE CHAIRMAN: The cars had nothing to do with it.

--

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BY MR. SINCLAIR:

Q What you are saying is on sharp curvature. Is that what you are saying, witness?

A No, I am saying if you have two units or more that a man standing on the car behind the engine cannot be seen. Is that the question you asked?

Q Yes. Because of curvature?

THE CHAIRMAN: No, because of the intervening unit of the locomotive.

BY MR. SINCLAIR:

Q Are you saying that, witness?

THE CHAIRMAN: That is what the evidence is to date.

BY MR. SINCLAIR:

Q Are you saying that because of the intervening unit on your road switcher that you cannot see a man on the car behind the engine if there is more than one unit?

A That is right.

Q Without any curvature?

A Yes, sir.

Q And that is something you have tried too?

A Yes, you have to get off the middle of the car for him to see you.

THE CHAIRMAN: I did not follow that.

MR. SINCLAIR: He says you have got to get off the middle of the car to see him.

THE WITNESS: You have got to get off to the edge of the car.

BY MR. SINCLAIR:

Q In other words, you are saying if you are on the side ladder waist high then you can be seen?

A On straight track, yes.

Q And on curved track?

A No.

Q You cannot see his hand above like that, above the second unit?

A No.

Q On the side ladder waist high holding on --

A We cannot go up waist high.

Q How high can you go up?

A We can just go up there so as we have got a hand hold on the top rung and your head is about up there.

Q Just your head or your head and shoulders?

A So you have got a good grip on the top hand rail. If you go up any higher you haven't got a good grip.

Q You can give signals from there?

A No, you cannot give proper signals.

Q You cannot give a proceed signal?

A Yes.

Q And can you give a stop signal from there?

A Yes, but that would be with just about your head up there and hanging on to that hand rail. That is as far up as you could go.

Q You could give stop and proceed but finer signals or faster work, you want to get more of

you visible? Is that what you have in mind?

A No, I wouldn't say faster work at all, but any time you are hanging on to a car you are not giving as visible a signal or as plain a signal as you are if you are standing free. You cannot be giving signals and hanging on at the same time.

THE CHAIRMAN: The witness said that all that would be seen above the roof of the car, as I understand it, is the trainman's head. You asked him something about head and shoulders and he went on. If there is any difference between you we would like to know.

MR. SINCLAIR: I think the witness said that he would be up there far enough --

THE CHAIRMAN: We want to get this right as to what you say.

BY MR. SINCLAIR:

Q Your evidence is that you can give a proceed signal and you can give a stop signal?

A Yes, providing I was just up so I had a good hand hold on the top rung of the car.

Q At that time how much of your body would be above the car?

A Just my head would be up level with the roof of the car for me to have a safe hand hold.

Q Just your head. Not your shoulders up above it too?

A No.

Q The grab iron you have in mind, is that a

roof grab iron?

A Yes, sir.

Q That is what you would be holding on to with one hand?

A Yes, sir.

Q Now, take the days when you were riding hand-fired engines and the situations there, Mr. Sanders. You will agree that the fireman had a pretty tough job keeping steam up especially on pulls upgrade?

A Some trips, yes.

Q Well, quite often?

A No, I wouldn't say quite often.

Q You don't think he would be working pretty hard?

A Some firemen worked harder than others.

Q That is right, and some engineers made firemen work harder than others. We have been told that too. Would you agree with that?

A No, I wouldn't say so. They got along well together. They weren't trying to buck one another.

Q Oh no, it was a matter of skill in handling their engine?

A Well, the Canadian Pacific have got skilful hogheads.

Q Never a bad apple in the barrel? Is that what you are saying? Well, the fact is, Mr. Sanders, as you put it, that he did the best he could as to getting signals and really many times you were relied on to be the look-out on

the left-hand side?

A That is quite true, yes.

Q Then, coming down to the oil burners I gather that the seats were fixed so that you both had an opportunity to look out but that the fireman apparently kept pushing your seat back. Were they all fat firemen on oil burners? Was that the trouble?

A No, there was very little room there anyway. They didn't have to be fat.

Q Didn't big brakemen push the seats up again and say, "Look out, Joe, you leave the seat where it was meant to be; this is my place." That never happened on the Mountain?

A No, never did.

Q Never happened with you because you are pretty small? Is that it?

A No.

Q Did you ever tell him to move his seat up so you could sit down there comfortably and do your job?

A I was quite comfortable.

Q And you did your job?

A No, I didn't do the job of look-out at all except out of the door.

Q But you could do it by pushing his seat forward a little bit? That is what it was made for?

A Yes, if I shoved him right up in the boiler I would be able to do that.

Q But you were quite satisfied with him doing it? He was on the job and that was all right? That was your attitude towards it except when you went out the door to get train order signals because you had a joint responsibility under the rule? Correct?

A Oh no, I wouldn't say that.

Q But that is the way it worked?

A No, I mean I wouldn't think of pushing that fireman up in there against that boiler.

Q Because you were quite satisfied that there was adequate look-out with one man looking ahead on the left side? That was all right?

A Well, that never entered my head, that part at all, actually. I would have liked to look out myself but I certainly wasn't going to shove him up into the boiler so I could get up there to look out. There is many times I would have enjoyed to be able to look out.

Q You mean the scenery is nice?

A Well, it is certainly nice to get out in the fresh air and not have that heat blowing in your face there.

Q Now, you will agree that there is a big improvement in regard to look-out from diesels as compared with steam engines?

A Oh yes. That is the road switcher type. I wouldn't say that the brakeman has any better look-out except far forward off a car body

type A unit diesel than he did off a steam engine.

Q Even if you raise the seat, adjust it up?

A Even as high as the seat will go.

Q You think it is so high that the line of vision from your eyes is pretty far ahead?

A You can see a distance away but you cannot see anything right handy.

Q Or right down in front of you?

A Well, not right in front but some distance ahead.

Q And the road switchers are much better, much bigger glass?

A Very much so.

Q No steam to bother you?

A Quite right.

Q Have you ever operated a train with other than a five-man crew, Mr. Sanders?

A No, sir.

Q You have no experience with that at all?

A No, sir.

MR. SINCLAIR: That is all.

BY MR. LEWIS:

Q I have just two or three short questions, Mr. Chairman. First there is this point of giving signals hanging on to the ladder on the side of the car and how much of you is above the roof. I just wondered, how do you hang on?

A That is the trouble. It is very difficult

to hang on but you can hang on but if you get up any higher than that you cannot hang on at all.

Q What I am wondering is, do you hang on just straight, parallel with the side of the car, or does the top of your body arc out a little? Do you hang on with your arm stretched out or with your arm like this?

A Most of the time when I am up on the car I will hang on to the rung right on the front. I will ride them that way and hang on because that gives me a better brace.

Q Reach over that way?

A There is two rungs on the top of the car. One goes up the end ladder and one up the side ladder and I will hang on to this rung that goes up the end ladder.

Q With your feet on what?

A My feet will be on the steps down below on the ladder.

Q On the same end ladder?

A No, on the side ladder.

Q That is what I was wondering. Your feet would be on the side ladder and then you reach out to the top rung of the end ladder?

A That is right.

Q A couple of feet away or something?

A Yes, about that.

Q And you hang on there and that is the way you hang on?

A That is true.

Q Your body is sort of forward a bit?

A I don't mind -- if I can explain this a little more, if I was down on the bottom stirrup of the car I wouldn't mind hanging on to one of these rungs and hanging out, but I wouldn't feel very safe hanging on to that other one and hanging out from the top of the car.

THE CHAIRMAN: I though the witness said he hung on to the grab iron on the roof.

MR. LEWIS: At the top of the end ladder.

THE WITNESS: That is on the roof, sir.

THE CHAIRMAN: I cannot visualize it.

MR. SINCLAIR: I think he means there are two, as there are.

BY MR. LEWIS:

Q There are two ladders, one on the side and one on the end?

A Correct.

THE CHAIRMAN: I appreciate that but I cannot visualize hanging on to something on the end of a car and at the same time having that described as something on the roof.

BY MR. LEWIS:

Q If I understand correctly, it is on the edge of the roof at the end of the car. Is that what you have in mind?

A It is a rung that is on the roof of the

car so that when you go up the ladder on the side or the end of the car you have a hand hold on the roof in order to get yourself up on the roof.

BY THE CHAIRMAN:

Q How far in from the edge?

A It would be about 4 inches in from the edge of the car.

BY MR. LEWIS:

Q Now, about running on the Mountain as compared with the Shuswap Subdivision, Mr. Sanders, do you know whether there is any difference in the number of inspections you have to make on the one as compared with the other sub-division?

A Yes, we have positive inspection points on the Mountain Subdivision and every 50 miles on the Shuswap.

Q You said you have positive on the Mountain?

A Positive inspection points, yes.

Q And every 50 miles on the Shuswap?

A That is correct.

Q What is the difference? What does that mean?

A Well, we have positive inspection points laid out in the timetable, Leanchoil, Glenogle, Beavermouth, Glacier, Flat Creek, Albert Canyon.

Q Is that five or six?

A I think it is six.

Q Whereas on the Shuswap you would do it every

50 miles which would make how many over that subdivision?

A Well, you have to make two.

Q Two?

A Yes.

Q Now, Mr. Sinclair asked you whether in the incidents you gave if you had delayed until one or both brakemen became available you could have passed the signals on the engineer's side instead of having to do it, as you told the Commission, on the fireman's side. Just as an example, Mr. Sanders, in the first instance you gave where you had both the rear end and the front end of the train protected, the one which occurred on December 26, at Griffith or near Griffith, how long would you have had to wait until either or both of these trainmen returned?

A Well, I would have to wait until No.6 came down to Griffith, and I think you will remember me saying that she came to Griffith about the time I made the cut and we started to double the train.

Q How long after the break had occurred did that take place?

A I could not really recollect now just how long that was, but it seems to me that it was 45 or 50 minutes afterwards.

Q I want to clear this up, Mr. Sanders. You will remember, Mr. Sanders, that Mr. Sinclair was dealing with your suggestion about having an inexperienced head end brakeman who would not be very good at relaying signals yet, and suggested to you that you would report his inability and the company might do something about it, and you said that you would be quite ready to take a man like that if they were going to assume responsibility, and then Mr. Sinclair at that point was saying that he was competent to relay signals --

MR. SINCLAIR: His answer to me was yes.

MR. LEWIS: If my friend will wait a moment.

MR. SINCLAIR: You are re-examining.

BY MR. LEWIS:

Q These last words were Mr. Sinclair's words

rather than yours, Mr. Sanders, and then your answer to him was yes to that. You said, "If the company were going to assume responsibility." Would you tell me whether the point that Mr. Sinclair mentioned to you was the only point you had in mind with regard to responsibility?

MR. SINCLAIR: What did you have in mind, is the way to put the question.

BY MR. LEWIS:

Q All right. What did you have in mind.

MR. SINCLAIR: You know better than that.

THE WITNESS: Yes; we were speaking of signals there; that is what I had in mind.

BY MR. LEWIS:

Q I mean with regard to the word "responsibility".

MR. SINCLAIR: He has given you the answer, too.

THE CHAIRMAN: Well.

MR. LEWIS: A little mixed up now, Mr. Chairman.

THE WITNESS: I mean that if the company were going to assume responsibility that this man's signals were all right, why, then, I would be all right, would not mind taking him on myself. I would not want to start to do the job and him give wrong signals to the engine and we break cars up, or something along that line, and I am going to be responsible.

MR. LEWIS: That is all.

THE CHAIRMAN. That is all, thank you. We will adjourn until Monday morning at ten o'clock. It is understood that we have to rise at the middle of the day on Wednesday.

MR. LEWIS: I had not heard about the middle of the day, that it was to be the middle of the day. Can you indicate the time, sir.

THE CHAIRMAN: I am sorry; sometimes we have these informal discussions. Well, we think that by the middle of the day, that is 12.30 or one o'clock, if anybody likes that will be all the time we will have so far as listening to evidence is concerned.

MR. LEWIS: In Ottawa.

THE CHAIRMAN: In Ottawa, yes. We might want to see counsel in the afternoon.

MR. SINCLAIR: I understand when you say 12.30 or one o'clock you mean one o'clock or earlier if we can clean up the witnesses?

THE CHAIRMAN: Yes. I do not think we are so enamoured of sitting in this courtroom that we want to do so with nothing to do.

MR. SINCLAIR: I ask the question so that we can make some plans. If we can clean up so many witnesses by 12.00 o'clock, say, or somewhat later we would not be starting another witness and then immediately call the sitting in Toronto.

THE CHAIRMAN: That is entirely between

you and Mr. Lewis;

MR. LEWIS: No; except my friend is not going to use the term "clean up my witnesses" with the ease that he has just indicated.

HON.MR.McLAURIN: We are losing our patrons at a terrific rate now.

-- The Commission adjourned at 3.05 p.m. until 10.00 a.m. Monday, June 10, 1957.

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ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN
ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD
SERVICE ON THE CANADIAN PACIFIC RAILWAY

51

# PROCEEDINGS

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ROYAL COMMISSION ON EMPLOYMENT OF FIREMEN ON DIESEL LOCOMOTIVES IN FREIGHT AND YARD SERVICE ON THE CANADIAN PACIFIC RAILWAY

Proceedings of public hearing held at Ottawa, Ontario, Monday, June 10, 1957

PRESENT:

| | |
|---|---|
| Hon. R. L. Kellock, | Chairman |
| Hon. C. C. McLaurin, | Member |
| Hon. Jean Martineau, | Member |
| Douglas M. Fraser, | Secretary |
| A. R. Winship, | Asst. Secretary |

APPEARANCES:

| | |
|---|---|
| D. W. Mundell, Q.C.,<br>C. J. A. Hughes, Q.C., | Representing the Commission |
| I. D. Sinclair,<br>Allan Findlay, | Representing the Canadian Pacific Railway Company |
| David Lewis, | Representing the Brotherhood of Locomotive Firemen and Enginemen |

Monday,
June 10, 1957.

51st DAY

MORNING SESSION

---The Commission resumed at 10.00 a.m.

THE CHAIRMAN: I understand that Mr. Harvie is here this morning. Mr. Harvie, do you want to give some evidence?

MR. HARVIE: I have a brief to present, sir.

THE CHAIRMAN: You have a brief to present. Do you want to present it from where you are or one row further up, or do you want to come into the witness box and be sworn?

MR. HARVIE: I would like to come into the box and be sworn.

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--

ARTHUR HAYNES HARVIE, sworn.

THE WITNESS: Mr. Chairman and gentlemen of the Commission, Your Lordships, my name is Arthur Harvie. I should like with your permission to present this brief.

I entered the service of the Dominion Atlantic Railway in January, 1920, as a hostler's helper doing spare firing out of Kentville. I made my first run as engineer in 1930 and was promoted to engineer steady in 1947.

I am appearing before you on behalf of the engineers employed by the Dominion Atlantic Railway who have signed a petition expressing their opposition to the removal of the helper from diesel locomotives in freight and yard service. They have authorized me to make appropriate representations in the matter. The signed petition referred to is in my possession to be delivered to the Commission.

The Dominion Atlantic Railway extends from Windsor Junction to Yarmouth with branch lines from Windsor to Truro, Kentville to Kingsport and from Centerville to Weston.

We operate trains over the lines of Canadian National Railways from Windsor Junction to Halifax, a distance of 15 miles, subject to their rules and regulations.

Under present conditions, on yarding our train at Halifax we would have to run light from the terminal at Windsor Junction to Fairview roundhouse, a distance of five miles, with nobody on the diesel locomotive but the engineer alone. This distance of five miles has signal indication through rock cuts where your vision would be obscured as far as block signals are concerned and switching operations en route over the main line.

At Windsor the use of the whistle within town or yard limits is prohibited. We have a number of level crossings, level crossings at grade and we switch right in the main street of the town of Windsor. Going westward the curve is a very sharp left-hand curve with buildings on both sides and there is no way of getting signals further back than one car. You would practically have to go ahead one or two cars at a time with a man on top to make these switching movements.

At Kentville we have four level crossings with restricted clearances and the whistle is not allowed to be used within the town limits only in case of emergency. Your vision would be restricted in a good many cases at the same time.

At Middleton there are five

unprotected highway crossings and this is a junction point with Canadian National Railways where we do switching at all times.

At Digby the movements are made on the main line and on yard tracks and we go down there to the wharf to the Princess Helene, the boat that goes across to Saint John. The yard crew there consists of only two men, the yard foreman and one man. One man is required to flag the main road crossing and the other man or yard foreman would ride the leading car of the movement, making a back-up movement.

Then you would only be able to move one car at a time and there would be nobody on the leading car if you did that for that movement. If he was up, for instance, ten cars he would have to be on the car next the engine and the other man is flagging the crossing and there would be nobody on the leading car of that movement. You would be making it absolutely blind. It is a decided right-hand curve and they use the engine head on for hauling up a very steep grade.

We also operate right out in the street where a great deal of switching is done with houses there 10 to 20 feet from the track, apartment houses with private crossings crossing direct onto the road on

the opposite side. A good many school children cross there. There is a college right on the hill and the crossing is being used all the time. In some cases when the fireman has had vision and has been paying prompt attention to his job he has called our attention to children crawling underneath the car when we have stopped for a switch to be turned.

At Yarmouth the movements are made on the main track and side tracks which run through the town's busy Water Street. The crew at this point consists of only two trainmen, the yard foreman and one man. Then on Water Street the track runs parallel with the road for a distance of about a mile with a good many businesses and industries down that road, with crossings and cars on the track. In fact they even park their cars on the track when they see us coming at times. We often have to go into a place of business and get a driver to come out and move a truck off the track before we can continue with a movement.

The main track from Windsor Junction to Yarmouth, a distance of 20-odd miles, has 127 unprotected highway crossings, that is exclusive of private crossings and crossings with wigwags or

bells.

At Truro, Nova Scotia, from the upper main track switch we operate trains a distance of approximately three miles through the yard. This is done by hand signals from switchmen in some cases located over a mile or more from one switchman to the other. After yarding the train at whichever yard you are directed to the trainman is all through and you would be required in some instances to go from the further end of that yard and to come back over the main line crossovers with a great number of switches and be all alone on the diesel locomotive.

There is a bulletin posted on the Canadian National Railways at the roundhouse there for the fireman to line up the shop track switches to take your diesel off and proceed to your train to lift it. If you were operating diesels with an engineman on there only, who would operate the switches?

We have a good deal of fog and stormy weather in our country down there and it is very hard at times with all the men that we have on the job to proceed with safety.

We have had side swipes where

we have received proceed signals from a switchman over a crossover. The engine has switched down there pushing a train onto a ladder track after we have received a proceed signal.

On the Kingsport and Weston Subdivision there are 40 unprotected highway crossings and those are excluding private crossings. There are 22 farm crossings and I consider them far more dangerous sometimes than ordinary highway crossings. A farmer going across with a big tractor or something of that kind thinks he has the right-of-way apparently.

There are operations on the Dominion Atlantic Railway consisting of auto rail cars known as Budd cars, yard engines at Digby and Yarmouth and the remainder of the service consists of mixed freight trains, which are required to do local work along the line consisting of switching at all hours of the night and day and under unfavourable weather and visibility conditions.

For instance, on Saturday morning I left for Yarmouth with a good long train out of Digby of 30 some cars and the visibility wouldn't be over a car length.

--

I am required to spot that train if possible at what we call spot sets exactly opposite the door to unload express. This train handles all the express now on these jobs.

The brakeman in a good many cases has to cut the crossing. At Kingston just recently he caught the crossing, we backed up, made the coupling again, received the proceed signal on the right side and the fireman hollered, "whoa, hold her", and I immediately dynamited the engine just as she started.

A car with five passengers came down, connected with the train underneath an oil tank and it took a truck to haul it clear. If it had not been for that fireman being right on the look-out and looking back before we made that movement you can imagine what would have happened to the five people wedged in under that oil tank.

On the road we operate under rule 93A which requires that all third-class, fourth-class, extra trains and engines move within yard limits prepared to stop within half the distance you can see ahead. Therefore this requires a constant look-out on the part of the engine crew on both sides of the locomotive, especially on our road where there are so many curves in the track.

We have had several instances lately where cars have connected with a Budd car, one instance in particular where he ran into the back of the Budd car and a passenger going down the station platform told the engineer. He said, "The car ran into you", so he immediately contacted the conductor. He went back and it had damaged the Budd car doing some damage to the chrome and putting it out of commission at that crossing. Had that car not broken clear of that Budd car we could have had a very serious accident there as there were a number of people in the car.

In conclusion may I add that the engineers on the Dominion Atlantic Railway feel that the removal of helpers represents an increased hazard to the public as well as themselves and feel that the added strain and responsibility would be detrimental to their health. Thank you.

THE CHAIRMAN: Mr. Lewis, I think you had probably better ask him any questions you want to ask him first.

MR. LEWIS: Right. I think in fairness this ought to be on the record. Perhaps it is on the record. The Commission

may recall that the Brotherhood of Firemen holds the agreement with the Dominion Atlantic Railway and that the witness is therefore a member and, as a matter of fact, I think he is the local chairman.

BY MR. LEWIS:

Q Are you the local chairman, Mr. Harvie?

A I am the general chairman, sir.

Q General chairman?

A General chairman for the Dominion Atlantic Railway.

MR. LEWIS: May I say to the Commission that I had not intended to call any witnesses from there for a reason which one question will produce.

BY MR. LEWIS:

Q Do you have many diesels working in your territory now?

A We have two diesels, sir, and two Budd cars.

Q And the rest of your operation is carried on --

A By steam, sir.

MR. LEWIS: That is the reason I was not going to call any evidence.

THE CHAIRMAN: Are these diesels yard engines?

BY MR. LEWIS:

Q Are these diesels yard engines or are they road engines?

A No, they are yard engines. They use them in

in road service over week ends. They are hauling gypsum from Windsor to Hantsport and they are what they call yard engines, but they use them over to Truro when they are not on this gypsum assignment. They use them in road service.

Q How long have you had only a crew of two, a yard foreman and one yardman, I suppose, at Digby and at Yarmouth? I think you said at both places you have only a crew of two instead of three?

A That is right, sir, and I was also rules instructor on the Dominion Atlantic Railway and protested it for eight months and I protested that bitterly, that there was only two men on these engines, due to the fact of the situation we have down there.

Q You were rules instructor for eight months. When would that be?

A That was 1951, was it not, when we came to Montreal and took the course.

Q Was that when the new rule book came in?

A Yes.

THE CHAIRMAN: You did not get an answer to the question as to how long.

BY MR. LEWIS:

Q How long have these crews only been two?

A Since I entered the service in 1920.

Q It has always been that way?

A It has always been that way.

MR. LEWIS: Mr. Chairman, if I may suggest it, I think that the witness said he had a petition from the other engineers. If that could be filed I should like to ask him one or two questions about it.

THE WITNESS: I have a petition signed here --

THE CHAIRMAN: Just a minute, Mr. Harvie. Mr. Lewis, if the witness wants to file the statement that he has read or which is the basis of what he has said that is all right, but I think that petitions are quite a different thing. I would not think that we can act on the basis of what somebody asks us to do. We can only base an opinion on facts, including opinions which are based on facts, but I cannot quite see where a petition fits into this inquiry no matter who it comes from, the railway, the public or anybody else.

MR. LEWIS: That may be so, Mr. Chairman. In that case I am responsible for a lot of useless work by a lot of people. Without going into details, I was asked and I advised that perhaps the Commission might be interested to know what the engineers and trainmen felt about it but I suppose anyone who comes before the Commission can inform the Commission

that he has canvassed his fellow engineers and say what they thought about it.

THE CHAIRMAN: Quite.

MR. LEWIS: And that would be a fact on the record for whatever weight might be given to it.

THE CHAIRMAN: Oh yes, but when you come to a petition you put us in a hopeless position, I would say. We do not know what the representations were at the time John Jones signed and whether they were the same as when Arthur Smith signed, and all that sort of thing. I do not think we could base a firm footing on anything in that position. We want to have representations from anybody who wants to come here and offer evidence and we will hear anybody who wants to be heard, but a petition is quite outside of my experience or my imagination. I should say that my brothers agree with me. I am speaking for them.

MR. LEWIS: In spite of the advice I gave I should say that I must admit that unless one knows the reasons put forward it is pretty difficult to weigh the thing. I appreciate that, sir.

THE CHAIRMAN: It is. Have you any other questions, Mr. Lewis?

MR. LEWIS: I should like to follow

up some of these movements, if I may, Mr. Chairman.

BY MR. LEWIS:

Q I did not quite follow you, Mr. Harvie, partly because I could not quite hear entirely. You said something about some yarding operation at Halifax, I think it was, where you would have to go five miles on a light engine which you now do with just the engineer and the fireman and you would have to go alone. I did not quite get that.

A Well, at Halifax Terminal, on these fast freights or mixed trains we run into Halifax at present the engine goes back to Fairview and lays there all day.

Q Goes back where?

A Back to Fairview five miles. That is where the roundhouse is located, and after arriving at the terminals in Halifax the train crew is all through. They take the van off and that leaves the engine crew to go back there alone.

Q And these five miles, is it on the outskirts or through the city?

A It is right on the main line all the way back to Fairview and then you branch off on your right side going back and go in to the roundhouse. It is right alongside of the track.

Q You say the train crew is all through.

Is that by agreement with the Brotherhood of Railroad Trainmen or by order of the company or what?

A Well, by order of the company. We go out of there, it is a mixed train carrying express, baggage and passengers, and you go out of Halifax Terminals at night at 7.45 to Fairview and lift your freight from Fairview, and therefore I suppose it is the mileage situation where they would have to pay the train crew extra time or extra miles to just ride out from the terminal to Fairview to put the engine in the roundhouse.

Q I was going to ask you what a mixed train represented but you have just told us, express, freight and passengers?

A That is correct. We carry about from three to five express cars handling freight and express and baggage and sometimes one, two or three, whatever the occasion requires, passenger cars.

BY HON. MR. MARTINEAU:

Q Mr. Harvie, what is the total crew on a mixed freight?

A On a mixed freight the train crew of three, the conductor and two trainmen and of course in steam, the fireman and engineer.

Q And does the head end brakeman ride in the cab of the engine?

A Well, according to the rule he is supposed to.

BY THE CHAIRMAN:

Q Well, that is not a complete answer.

A Pardon?

Q Does he or does he not?

A He does it most times.

Q He what?

A He does most of the time. They are required at times to help unload express and freight and the express crews only ride part way over the division on the west end. I might as well tell the truth. That is what I am here for. Sometimes when you go two or three miles to the next station it seems kind of a hardship on the trainman, you cannot get the train over the road, and he does ride back behind because he is going to unload express and things at the next station.

BY HON.MR.MARTINEAU:

Q Did you say that there was an express crew also?

A They carried an express crew from Halifax handling this express - from Halifax to Digby, and from Digby to Yarmouth the train crew men. That is a condition set up by the company and the train crew, in an agreement between themselves.

Q Is it only from Halifax to Digby that there is an express crew?

A Yes, from Halifax to Digby.

Q How many of an express crew?

A They have one express man and I believe the other fellow is known as a helper. To make it clear probably, some time ago when they took the steam off and put the Budd car on they transferred this baggage on the mixed train, and so they just include express cars on the fast freight.

BY MR. SINCLAIR:

Q Mr. Harvie, my name is Mr. Sinclair, I represent the company in this matter and I have a few questions to ask you.

A Very well.

Q You have told Mr. Lewis you are General Chairman for the fireman's union, and you have a contract covering not only the firemen but also the enginemen on the Dominion Atlantic Railway.

A That is right, sir.

Q And trainmen are represented by another brotherhood -- you do not represent also the trainmen.

A No sir.

Q On your mixed trains where the rule requires the head trainman to ride up on the locomotive when you are moving the road, you say there are occasions when that is not complied with.

A That is right, sir.

Q That is for the convenience of the head trainman so he would not have to walk a few cars, is that right?

A Not only that, but for the convenience of the company as well.

Q You mean he does the work a little faster because he is there when you stop.

A You can't walk 35 cars at every station, back and forwards, twice, and get over the division in seven hours very well, making all your stops. Therefore, we take a short cut.

Q Contrary to the rule?

A Contrary to the rule.

Q The reason you do that is your are satisfied with two men there, that is your self and the fireman; there is adequate safety in moving over the road.

A No, I can't say I am satisfied. Just

recently we got into quite an argument down there; in fact my name is Dutch with all the trainmen on the Dominion Atlantic Railway for the reason that I forced the brakemen to ride the engine.

Q But they were satisfied before these proceedings?

A Pardon?

Q The enginemen were satisfied before these proceedings started?

A No, not at all, we have had that straight along .... our former manager gave the conductor verbal permission -- he couldn't do it according to the rule -- to ride behind.

Q Who did?

A Our former manager.

Q What is his name?

A Dunphy.

Q He gave permission .

A He said it would be okay if they rode behind.

Q How did you know?

A I was a rules instructor.

Q And he told you it would be all right to do that?

A That I could tell the boys to do that.

Q Contrary to the rule.

A Yes.

Q Does your present manager stand for that?

A No, he won't go along with it.

Q When was this, in 1951?

A From the time the Uniform Code Rules went into effect.

Q In 1951?

A Yes.

Q How long has your present manager been on the job, about two or three years?

A About two years; I could not give you the exact date, but that was the first question I asked him if he would go along with that rule when he came down, and he said he would not.

THE CHAIRMAN: What has been the practice since?

BY MR. SINCLAIR:

Q What has been the practice since?

A The practice since has been most of the time he rides ahead. You would take it on your own shoulders when you allow a brakeman to ride behind.

Q You have never done it in the interim?

A No; and I say I am not very well liked by the trainmen on the Dominion Atlantic Railway.

Q You know some of the people you represent have allowed it?

A Yes, they have allowed it at times.

Q And in regard to this move you made to the shop track, after you yard your train, the matter would be adequately protected,

would it not, if the trainman was required by the Canadian National to stay with the engine while he made the move.

A I could not answer that question; the Canadian National Railways requires firemen on their engines.

Q You said if the fireman was removed it would leave one man with the light engine?

A That is right.

Q I asked you, if the Canadian National, or the Canadian Pacific on its engines, required the head trainman to be with the engine until it was placed on the shop track, that would adequately take care of that matter?

A Well, I can't agree with you, sir.

Q Do you know that when they operated without a fireman by the Canadian National back in the thirties that they had a special provision? It is part of Exhibit 158, and reads:

"On occasions when an engine is used in crossing between yards --"

That would be across the line.

"-- or in transfer service, a member of the yard crew must ride the engine."

That was dealing with the yard engine - did you know that?

A No sir, I did not.

BY THE CHAIRMAN:

Q When did you say that would not be adequately safe?

A For instance, we train firemen, and when he is firing a steam locomotive on a lefthand curve he is on his side. He is also trained to know where each block signal indication is on a curve or wherever there is a danger point on the road; and as usually happens, or if you have any regular fireman he knows exactly where to look for these things; or if you happen to have a man that was not used to it, you would point those things out for him and tell him to look out for them. With a trainman you don't know anything about them; he is a green man coming on an engine and is practically a total stranger to you. Not only that, when you make a brake application on a locomotive handling a train, a fireman is trained to know when he gets the feel of that train about where he is going to stop.

Q Are you talking about this five miles?

A Over the five miles the same thing would happen. He has an idea whether he could stop that engine within two, three or four car lengths; whereas, the trainman hasn't that experience, as I see it.

BY MR. SINCLAIR:

Q Are your road diesels equipped with emergency

brakes on D.A.R.?

A No sir - do you mean emergency brakes?

Q On the engine.

A Which side?

Q On the lefthand side?

A No sir. We have two road switchers.

Q Are they road switchers?

A No, yard.

THE CHAIRMAN:: That is what I thought. The witness said there were no road diesels.

MR. SINCLAIR: That is what I understood him to say, that he meant yard switchers.

THE WITNESS: Yard switchers.

THE CHAIRMAN: But your question was on road switchers?

MR. SINCLAIR: Yes.

THE CHAIRMAN: They have no road diesels.

MR. SINCLAIR: And I am asking the witness whether these engines that are used outside of the yard have an emergency cord on the lefthand side.

THE WITNESS: Not to my knowledge.

BY MR. SINCLAIR:

Q It could easily be applied.

A Yes, I think it could easily applied; I don't know how easily, but it could be applied.

Q Are you saying that trainmen on the D.A.R. don't know how to set the brake on the righthand side in an emergency if they are required to do so?

A I think I am pretty safe in saying some of them would not.

Q Some of them would and some of them would not?

A That is right.

Q It would not be hard to train them; it would not be a very difficult job, would it Mr. Harvie?

A Well, I suppose you could train anybody to do most anything.

Q When were you last on a diesel D.A.R.?

A I only operate diesel on the Dominion Atlantic Railway about two trips; I operate Budd cars twice a week.

Q I am talking about these yard diesels?

A It has been about nine months ago.

Q And before that you had a total of how many trips on them?

A Possibly nine or ten trips. We used to get on them for experience and ride them whenever we had the time.

Q You were talking about where you had a ground crew of two and you were making a move across a crossing; one man would be on the top, and one man would be flagging on the crossing. You said that that presented some difficulty. Do you remember saying that?

A That is right sir.

Q This could be done, could it not, Mr. Harvie, -- that the movement comes up to the

crossing, stops, and a man gets on the point of the movement and takes it across the crossing?

A I think the rule --

Q Have you got a special rule which requires you to do something more than the Railway Act requires you with regard to crossings?

A There is a town • ordinance I believe that requires a flagman on the crossing.

Q A town ordinance?

A In Digby, yes. It requires him to flag at crossings; it has always been the habit.

THE CHAIRMAN: What is the jurisdictional basis for that?

MR. SINCLAIR: That is a new one.

BY MR. SINCLAIR:

Q That can't be, Mr. Harvie.

A Anyway, they have always flagged the crossings when I have been on the road.

Q It is company required.

A Company required.

Q According to the time card.

THE CHAIRMAN: While you are on the subject of flagging crossings, does that apply only to yard engines?

MR. SINCLAIR: No, the company can by time card designate what crossings are to be manually flagged; by provision under the railway act and order of the Board a man is on the point of the movement going across the crossing.

THE CHAIRMAN: But no flagging.

MR. SINCLAIR: He acts to warn people who may be coming.

THE CHAIRMAN: Yes, I know he does that.

MR. SINCLAIR: There is no person on the ground flagging.

HON.MR.McLAURIN: This is a yard operation?

MR. SINCLAIR: Yard.

HON.MR.McLAURIN: ard only?

MR. SINCLAIR: In respect to the Railway Act?

HONMR.McLAURIN: That we are talking about now.

MR. SINCLAIR: This is what the witness was talking about, and I put the general question to him....

HON.MR.McLAURIN: The chairman has asked a question generally on the subject of flagging. Are you talking just about yard?

MR. SINCLAIR: I am talking about any kind of yard operation, as the Chairman put the question to me.

THE CHAIRMAN: I think it was last Friday the matter came to my attention. From the evidence of a number of previous witnesses, as I appreciated it, it was on the basis that in crossing a crossing from a standing start or otherwise, the crossing must be flagged; that meant a man on the movement with a flag. Then we

came to the situation last Friday -- I think it was at Kamloops -- where it was said that a crossing did not need to be flagged. Even Mr. Lewis seemed to agree to that. That is the reason for my question today.

MR. SINCLAIR: The general provisions of law require a man on the point of a movement only; in other cases the company has by time card, or in some instances by bulletin, issued special instructions that there has to be manual flagging.

THE CHAIRMAN: That makes it clear.

MR. SINCLAIR: It is only where the company designates it. It would apply to switching movements over the crossing.

THE CHAIRMAN: It is within the discretion of the company, whether it is yard engines, or road engines, or whether it is a switching movement or a road movement?

MR. SINCLAIR: That only applies on switching movements, but sometimes road crews doing switching en route may come to some of these crossings, but it is entirely within the discretion of the company.

THE CHAIRMAN: It is a company requirement, not a Railway Act requirement.

MR. SINCLAIR: That is right, Mr. Chairman.

HON.MR.McLAURIN: Does the Uniform Code require that it will be done by point at these places?

MR. SINCLAIR: No sir. Sometimes of course we do have an affair at a particular location, and the Board of Transport Commissioners put on a restricted speed limit across a crossing, and they may also designate that that one is to be manually flagged. In that way it then becomes an exception to the order I have stated. But that is a specific matter arising out of a specific situation.

THE CHAIRMAN: Well, then, going back to the Kamloops situation --

MR. SINCLAIR: Yes.

THE CHAIRMAN: The only requirement there under the Railway Act is a man on the point of the movement?

MR. SINCLAIR: That is right, sir.

THE CHAIRMAN: Even if the point of the movement is a locomotive?

MR. SINCLAIR: Under the law, sir, it only applies where it is cars. It does not even apply on a steam engine where the tender is moving over the crossing first, if the tender is moving over the crossing first on a steam engine nobody needs to be on the point. But if it is pushing cars, somebody has to be on the point. There was an amendment, maybe 12 or 15 years ago, where that was clarified. Before that time it was thought that if the tender was moving over the crossing, that is, tender first, that a man had to be on the point, but that was taken away about 12 or 15 years ago by an amendment.

HON. MR. McLAURIN: It is in the Uniform Code, is it?

MR. SINCLAIR: No, it is under a section of the Railway Act and a general order of the Board, which I can give to the Commission, but I cannot remember --

THE CHAIRMAN: You might give

us that.

MR. SINCLAIR: Then, there are special instructions in various time cards.

MR. LEWIS: That might be related to Rule 103 in Exhibit 27. There is no contradiction of what Mr. Sinclair has said. I say the description which he has given, with which I have no reason to differ, can be related to the rules in Rule 103. It fits into some of the things he has described.

MR. SINCLAIR: Yes.

THE CHAIRMAN: Rule 103 just reflects the statute.

MR. LEWIS: Precisely; I say it fits into the description Mr. Sinclair has given.

HON. MR. MARTINEAU: General order 708, Exhibit 75, what is that?

MR. SINCLAIR: Oh, that was filed.

MR. LEWIS: It is almost word for word.

THE CHAIRMAN: Yes, that rule seems to be pretty complete. It has been referred to before, but it is hard to retain all these things.

HON. MR. McLAURIN: It seems quite evident that we are not ready for the A Book examination yet.

BY MR. SINCLAIR:

Q You said that ever since you have been in the railway, Mr. Harvie, there has

been a ground crew of two and two men on the engine in switching Truro and Digby?

A Digby and Yarmouth, yes, sir.

Q That is with steam engines?

A With steam engines.

Q I am sure you will agree, Mr. Harvie, from looking at diesels that you have a better view from a diesel than you have from a steam engine?

A You have the visibility conditions that come in there, too. This place I mentioned at Digby has buildings with a restricted clearance, coming on to the main crossing, if you had a man on the car next to the diesel making a back-up movement, he would not be able to ride the point of the movement because he could not see the other cars. You would have to move down there one car at a time. There is an S curve there and he would disappear around another building.

Q It requires two men on top, that is what you are saying, to relay signals?

A I think it would require more than that to keep the movement in operation.

Q With ten cars, you have two men on top, would they be able to relay signals?

A Not at that point.

Q How many cars would you have to relay signals with two men?

A You would have to have three men, I think.

Q Today, how many men are riding on top?

A There are just two men riding on top and they are using a tail end hose, with the trainman hanging on --

Q They are using a back-up hose to control the movement?

A A back-up hose, but you have no signals at all.

Q You are not suggesting a back-up movement with a back-up hose is not a satisfactory and safe movement, Mr. Harvie?

A It gives you kind of a queer feeling to come down there with a back-up hose --

Q I am asking you, are you suggesting to this Commission that using a back-up hose to control a movement, are you suggesting such control of a movement is unsafe?

A I think the vision of that trainman riding the side ladder on the right-hand side of that car, his vision is restricted on the left-hand side, so within his vision I would say it would be a safe movement.

Q Are you suggesting that the use of a back-up hose on a back-up movement is an unsafe movement?

A No, I would not suggest it, putting it that way, sir; I would say it would be

a safe movement.

Q The way that is being done now, even with the fireman on the engine, is to use a back-up hose?

A That is right, sir.

Q And that has been going on, to your knowledge, for many years?

A That is right.

Q The question I asked you was, with steam engines for over how many years -- it is 20 or 25 years to your knowledge at Digby and Yarmouth, not having in mind the specific move you have made across this crossing, these four-man crews have taken the switching moves with steam locomotives?

A That is right, sir.

Q They have done the general switching?

A That is right, sir.

Q Placing cars at industrial plants?

A Correct.

Q Making up trains?

A Quite right.

Q Switching out cars?

A Right.

Q Kicking cars down off leads?

A No, sir, they do not kick cars there with two men only in the upper yards at certain places, over crossings and main level crossings, they do not kick them at all.

THE CHAIRMAN: I could not hear that.

BY MR. SINCLAIR:

Q Neither could I?

A I say there are only certain places in Digby and Yarmouth yards they ever kick a car. They consider it unsafe.

Q When they consider it unsafe they push or pull?

A That is right.

Q Where they are satisfied they can kick them off, they kick them?

A That is right.

Q How many cars back of the engine was that incident you gave where a car came from the left-hand side and hit an oil tank, how many cars back of the engine? Does your note show that?

A The seventh car.

Q The seventh car back?

A Yes.

BY THE CHAIRMAN:

Q It was a back-up movement?

A No, it was a forward movement.

Q The engine had passed over the crossing?

A The engine was over the crossing.

Q And six cars?

A It would be the seventh, the automobile hit the seventh car behind the tender.

Q That is getting to be a pretty common

occurrence, isn't it?

A Yes, sir, I am afraid it is.

MR. SINCLAIR: Thank you.

THE CHAIRMAN: Thank you, Mr. Harvie.

MR. LEWIS: I should like to recall --

THE CHAIRMAN: Mr. Harvie, the notes from which you read, did you want to file them or are they in shape for filing, or are you satisfied with what you have said?

THE WITNESS: Well, the notes --

MR. LEWIS: Perhaps, Mr. Chairman, it might be explained to the witness that what he has said has been taken down in shorthand so that unless his notes would add to whatever the reporter took down, there might not be any particular value in filing them.

HON. MR. McLAURIN: I do not think you should use the word "notes". I suspect this witness read a brief and then he has some other documents with him which are notes. You had better use the word "brief" and the word "notes" because they are different things.

THE CHAIRMAN: Do you want to file the brief, then?

THE WITNESS: I should like to file the brief, sir.

THE CHAIRMAN: It will be Exhibit 250.

EXHIBIT No. 250 -- Brief presented by Mr. Harvie.

THE WITNESS: Mr. Chairman, this brief I have here is notes that were put in writing; it is just things I put down here to more or less speak to the Commission about.

THE CHAIRMAN: You file that, and then we have your statement as well, which fills it in. We will have copies made.

THE WITNESS: I just used this as a memorandum.

THE CHAIRMAN: Very good, we will have copies made.

MR. LEWIS: I should like, with your permission to recall Mr. Doull for just a minute or two because he has arranged to leave tonight.

ALEXANDER CAMPBELL DOULL, Recalled

BY MR. LEWIS:

Q Mr. Doull, you have been sworn already?

D-2 A Yes.

Q Mr. Chairman and members of the Commission, what I wanted to ask the witness about relates to Exhibit 209 and 209A, I think, or is it 209 only? No, I think it is 209, and there are two documents to it. This arises, and it is a relatively small matter, Mr. Chairman, out of Mr. Doull's cross-examination. My learned friend reminded him of an incident in which Mr. Doull was involved last August, a case of a rough coupling to a tree planting car. I have given the witness a copy of Exhibit 209.

BY MR. LEWIS:

Q In your evidence in answer to Mr. Sinclair, without quoting you exactly, you said or suggested that you had not seen Form 104 regarding that incident. I should like to draw your attention to a statement filed by Mr. Sinclair, or rather a copy of a statement which he had received from E.A. Murphy. Do you know him, by the way?

A Yes, sir, I know him.

Q Who is he?

A He is one of the clerks in the General Foreman's office.

Q Mr. Murphy says in the third paragraph of that statement dated May 14, 1957:

> "It was practice of Engineman Doull to come to General Locomotive Foreman's office almost every day on committee work for the engineers' organization. I believe that it was on September 13th or 14th that Doull came to the office and I delivered to him the form 104 mentioned above."

I presume that that is the form a copy of which is attached to the exhibit in your hands. What is your comment on this statement of Mr. Murphy's, if any?

A Well, he is more or less correct in stating it was the practice to come to the foreman's office almost every day. I would say maybe three times a week would be closer to it, except that during this particular period to which he refers it was not the practice.

Q Why was that?

A Well, at that time I suffered a broken back on August 25, 1957.

Q 1956, I am sure you mean?

A 1956. I booked not fit with the Canadian Pacific on August 26 and was admitted to the hospital on August 28, 1956.

Q When did you leave the hospital?

A I came out of the hospital on the night of September 4 and I was in full body cast and was unable to get around very much.

Q For how long, do you remember?

A Up until the end of October, actually. However, there was some business in connection with some mishandling of cars that had gone on and during that following week-end I got a lot of misrepresentations from the engineers to do something about it and I went down, I would say about the following Tuesday.

Q Following what, you have given us two dates?

A Following September 5, that would be say September 10 or 11, around there. At that time I asked if there had been any demerit marks for me and was told that there was none. I advised the clerk that if any came now due to the time having expired under the contract --

Q Under what contract?

A Under the engineers' contract, that he should return them. I might say that that was the practice that had developed during that same particular summer, more or less at the suggestion of this clerk. In other words, the normal procedure when a man was disputing demerit marks for any reason would be to give the form to the local chairman who would return it by mail to the superintendent.

However, on one occasion that summer while I was in the office demerit marks were handed to an engineer who protested they were a month or so over the contract time and handed them to me. At that time Murphy said there was quite a few of them that way and that he was returning them personally, and more or less in laziness I gave them to him to return. That happened on two or three

other occasions. I think he is probably relating the occasions on which I have handed 104's to him to return with this particular one.

Q Will you look at the form which is part of Exhibit 209, Mr. Doull, and tell this Commission whether you had ever seen it before today and, if so, when you had first seen that Form 104, a copy of which is attached to the thing I put in your hands?

A Before today I had seen it; certainly I saw it in this inquiry some time ago.

Q Had you ever seen it before Mr.Sinclair produced it in these proceedings?

A No, sir. If I had seen it I might say I would, regardless of the time limit having expired, I would have accepted it at that time because I would have taken great pleasure in disputing part of that form, part of the statement on it.

Q Will you look at the next paragraph, the one next to the one I read to you, Mr. Doull, the second to the last paragraph in Mr. Murphy's statement, where he says:

> "His comments as near as I can remember were that he knew or expected discipline to be assessed.

"However, he stated that he would not sign the acknowledgment of this form giving as his reason the fact that too much time had elapsed between the investigation and the date on the Form 104."

Mr. Murphy's statement is that you said you would not sign the acknowledgment, which is at the bottom of the form that was filed, is that it?

A Yes, sir.

Q Have you any comment to make on this statement of Mr. Murphy's?

A I would say, as Murphy says, as far as he can remember that is what went on. The only place, as I say, where his recollection is not correct, is that these statements were made to me without having received them, to the extent that if any came after the date on which I was talking to him I wouldn't receive them and to return them. I didn't expect that the demerit marks would be worded as they are on the Form 104.

Q As you see it now?

A As I see it now.

MR. LEWIS: That is all, thank you.

BY MR. SINCLAIR:

Q Mr. Doull, you seem to have gone into this matter rather carefully in the interim. I asked you certain questions at page 5212 of Volume 37 in regard to a trip that you had with Fireman Gates with regard to a can of oil. Have you gone into that; have you re-thought that matter out?

A No, sir; I have not your opportunities for contacting people, but we could do that at some future date maybe.

Q You said you had some notes and they were at the hotel. I wonder if you would file those as an exhibit?

A I will have to see; I have not looked over them as a matter of fact, thinking that I was finished with this witness stand. I didn't bother looking over anything like that. I certainly will have a look at the papers and give them to Mr. Lewis for filing.

Q You say that this discipline was outside the time provided by the enginemen's contract?

A That is what I said.

Q Why do you say that?

A Well, the main reason I would say that was that the contract calls for discipline being awarded within

fifteen days of the completion of the investigation.

Q Is that the way it is worded?

A When the report is filed, it says. I incidentally -- that particular article in the schedule, with the exception of minor revisions made in 1955, I wrote it myself.

Q Would you be surprised to know that fifteen days from the filing of the report means the final report of the company?

A Yes, I would be surprised.

Q That is not the way --

A It didn't come out in the discussion when we discussed the making of that regulation.

Q Mr. Doull, there are people who have written contracts more than once who have been surprised as to what words mean?

A Not what the words mean originally, the interpretation that is afterwards put on them by interested parties, or should I say partial parties.

Q Such as local chairmen?

A Such as local chairmen or the company's officers.

Q You are now swearing to the Commission that Murphy is mistaken about

delivering this form to you?

A I say his recollection is not correct. His recollection to a certain extent there is correct; he has made a very good statement of what happened except that he is wrong in stating he gave me the actual form.

Q Do you not recall being quite noisy about this and getting quite forceful about it and then maybe picking it up and putting it in your pocket? Your recollection does not go back like that at all?

A I would certainly recollect it if it had happened.

Q You were not noisy about this at all?

A No.

Q And forceful about the fact that it had gone by the fifteen days and you were not going to take it?

A No.

Q You deny that?

A Yes.

Q How did you refresh your memory about this situation, Mr. Doull?

A I didn't have to refresh my memory, Mr. Sinclair.

Q You said you had thought it over since this came up here?

A I said I checked over this thing

since it was put in.

Q How did you refresh your recollection of what took place?

A I didn't have to. I recollected it all the time, what took place.

Q You did not think though that you should have answered that way when you were dealing with your record and there was some dispute about it or anything like that; that never occurred to you when you were being examined in chief?

A It never occurred to me. After all, this was your suggestion.

Q But you recognize, Mr. Doull, that Mr. Murphy was there in the office and would have a pretty good recollection of dealing with you?

A He should have a very good recollection.

MR. SINCLAIR: That is all.

MR. LEWIS: That is all. I do not know whether you would like to have the usual morning break before I call Mr. Hobbs.

---Recess.

---On resuming.

MR. LEWIS: The next witness, Mr. Chairman, is Mr. George Hobbs.

GEORGE HOBBS, sworn, examined

BY MR. LEWIS:

Q Mr. Hobbs, you informed me that you joined the Canadian Pacific Railway as a wiper on May 4, 1928, at Revelstoke and that you were promoted to locomotive fireman on August 2, 1928? Right?

A There is a slight error in that, Mr. Lewis. I joined as a wiper at the Vancouver Shops at Drake Street, Vancouver, and I was promoted at Revelstoke to be a fireman at Revelstoke.

Q Then you worked as a fireman for some months and left the service of the C.P.R. as the depression came along, and you were out of service with the C.P.R. until 1942. During the years between about 1930 and 1942 you worked at various jobs, including two months on the Northern Alberta Railway as a locomotive fireman?

A To the best of my memory -- I have nothing to refer to -- about two months on the Northern Alberta would be right.

Q You re-entered the service of the C.P.R. in 1942 as a fireman. You passed your

various examinations and were qualified as an engineer on June 17, 1946, at Revelstoke and you were set up as an engineer in 1948?

A That is correct.

Q And since 1948 you have been running as an engineer without interruption except for some three and a half months in 1951 when you were set back to being a fireman as a disciplinary measure?

A That is correct. I didn't refer to any notes or references of mine. I just took that from memory, about three and a half months or four months.

Q You are now a locomotive engineer in the pool freight service out of Revelstoke?

A That is correct.

Q What has your record with the company been up to this time, Mr. Hobbs?

A I believe I got disciplined twice when I was firing, for overheating oil on an oil burner locomotive, and I was set back firing for three and a half to four months when I misread a time card at Beavermouth, at Redgrave, in 1951; and I think there was something about running out of water in the Arrowhead subdivision with a steam engine. To the best of my knowledge that is about it. There may be some others, but if there are they have slipped my memory. I think my record now is clear.

Q As a matter of interest do you recall being in any collision or mishap of that sort in your service with the C.P.R.

A No. I have seen tragedy but I was not directly connected with it. I have handled an engine since 1948 and I have not rubbed the paint off a box car nor caused any pain to anybody; I have had no mishaps whatsoever.

Q Mr. Hobbs, as a fireman did you have any experience in hand fired engines?

A Yes, I did, sir.

Q Or on stokers?

A Yes; not very much on stokers, but sufficient to understand fairly well the functioning of a stoker.

Q On oil burners?

A Quite a lot of experience on oil burners.

Q Since you have been an engineer since 1948 I don't suppose you have fired any diesels?

A No, I have never acted as a fireman helper on a diesel engine.

Q But you have run diesels?

A I have run diesels in the Revelstoke division since they came there in 1952, or sometime about that.

Q Did you as an engineer have any experience on oil burners?

A Oh yes.

Q What about running as an engineer on hand-fired and stoker engines?

A I had a couple of trips on hand-fired engines, and I have had maybe a half dozen trips as engineer on stokers.

Q Are you a member of the Brotherhood of Locomotive Engineers?

A Yes, I am

Q I understand from what you told me you are also a member of the Brotherhood of Locomotive Firemen and Enginemen?

A That is correct. I just pay minimum dues to the firemen - nominal dues of $1 a

month.

Q You are a double header as a result of some contractual arrangements which are not particularly relevant here?

A That is so.

THE CHAIRMAN: A dollar has got to be more nominal than ever.

BY MR. LEWIS:

Q I suppose the dollar is sufficient to maintain your insurance benefit?

A To clear up the thing, I have insurance with the firemen and I maintain my membership by paying $1 a month and the insurance.

Q And the insurance?

A Yes, I pay for the insurance.

Q Can you recall what hand-fired engines you had experience on as a fireman?

A I will give you the Board numbers, the engine numbers: 3600's, 3700's, 5100's, 3900's, 500's, 2700's, and a 3200.

BY THE CHAIRMAN:

Q Just one 3200?

A No, I had four or five trips on those things.

BY MR. LEWIS:

Q They have been described here as Mother Hubbard engines.

A They have been so described.

Q Mr. Hobbs, when you fired these various hand-fired engines, would you care to try to estimate the average of the time you would

spend on deck in your firing duties?

A It is somewhat difficult for me to do so, because it is almost 11 years since I fired a hand fed coal burner. However, because of my size I found that at least I had an advantage over others, because I could lean up against the seat, so to speak, and still was able to brace myself and was not subject to the swaying that a man of smaller physique would be handling a hand-fired engine. For that reason I was able to fire perhaps somewhat faster than others.

Q With that explanation of your advantage, for which you can't takeany credit, Mr. Hobbs, what guess would you make as to the time you would have to spend on deck, that is you yourself?

A On an ordinary trip I would estimate 25 per cent or 30 per cent.

Q Would there be some trips where you would spend more than that or not?

A Well, if the engine was not a free steamer it would naturally mean that I would have to work somewhat harder on it, and the amount of time I would spend on the deck and watching the fire would be increased accordingly.

Q Mr. Hobbs, you said you had experience on the 3200 - you had a few trips on them. There has been some discussion of that

before the Commission. Would you tell the Commission your experience about communicating with the engineer in the cab of a 3200 engine?

A A 3200 engine by today's standards is an extremely small engine, and consequently the boiler is very small and narrow - the fire box was low and narrow. The fireman sat behind the brakeman on a long stool in this place where he would climb up to get on his seat; but when he was sitting, for a tall person like myself, I could look over and see the engineer's head and shoulders.

Q Look over what?

A Over the top of the boiler. I imagine if they were smaller people, both the engineer and fireman, they could see the top of one another's hats without stretching. But they were very close; I would not imagine that the fireman and engineer were more than five feet apart. It was quite easy to communicate with the engineer. I know that I never had any bother communicating with him, and we were both sitting down. Perhaps I had been wired for sound, but I had no bother communicating with him.

Q Where would the head end trainman on this 3200 sit?

A He sat ahead of the fireman on this long stool.

Q On the same side of the cab as the fireman?

A On the same side of the cab as the fireman.

Q The communications between the head end trainman and the engineer, would they have to be verbal?

A It would be about parallel to that of the fireman, about the same, when the fireman was sitting in his seat.

Q But any signal which the head end trainman or the fireman had to communicate to the engineer in the cab of a 3200, how would that be communicated?

A By word of mouth, communicated by speech.

Q That was as true for the trainman as it was for the fireman?

A Just about the same, yes.

Q On these hand-fired engines, Mr. Hobbs, when you were firing a hand-fired engine, did you receive any instructions with regard to maintaining a lookout.

A The engineers were the people who taught us how to fire engines, and I have a very vivid memory of the engineer insisting that I keep my head out anywhere that danger might attend our movement, especially going through towns.

It might help the Commission to understand, if I said that when I was firing hand fed engines there were no block signals anywhere I fired them, there

was no protecting block signals; and everytime we went through a station we had to drop to yard speed. That was under the old Rule Book, but the intent of the yard rule was exactly parallel to what it is today, that you have to be able to stop within half the distance you can see. The engineer would insist that you keep a good look out, keep your head out - can you see anything... whether you were moving at yard speed or not, you had to be able to stop in half the distance you could see, especially when the curvature was to the left.

Q Those instructions were in effect at the time of your firing?

A Yes. It was to the advantage of the fireman to learn the road and to know where he would be required to keep a sharper look out than usual, and for that reason he would see that he had a good fire in before he approached that point.

Q In order to maintain a look out, Mr. Hobbs, do you recollect whether it was necessary for you to get back to your seat, or could you do it in some other way?

A There were several ways you could do it. If the weather was good more than likely your door, or if it was a vestibule cab, the window would be open; but the easiest way was to get up on your seat, then you had

a good command of the view by looking out through the side window, and exactly the same view as the engineer had on the right side - your view was on the left.

Q Can you say to this Commission whether your recollection is that you always spaced the firing so as to maintain a lookout on the lefthand side, approaching towns and so on, or would there be exceptions to that?

A There are exceptions to most anything, but I always endeavoured -- the engineer always insisted that a sharp look out would be kept through yard and station limits.

Q Mr. Hobbs, you told me when we discussed your evidence to this Commission of an experience you had with an officer of the company called Cottrell, I think?

A I think that was the officer. I was a very young fireman at the time and I was at Salmon Arm, switching --

Q That would be on a freight train?

A On a freight train eastbound. I was quite a young man at that time. There were some young ladies on the platform at Salmon Arm and I must admit I went over there to have a look at them and let them have a look at me.

Q To what side?

A That would be on the engineer's side. I left my seat. The engineer was doing switching, and I left my seat and walked over to the right side to view the scenery. Almost immediately I did that I saw a man coming out of the station. He immediately got up in the cab and I backed away, of course. This man really bawled me out for leaving my seat. As a matter of fact I always remember that bawling-out. It was one of the most vivid in my memory. I could say, Mr. Lewis, that was one day when my brains, so to speak, caught up to my brawn, because I felt about six inches high.

He told me to stay on the left side. He was not satisfied with that, and he also bawled the engineer out for permitting me to do so. The poor engineer was not to blame at all because he had not seen me. He was too busy watching for signals.

Q Can you recall what Mr. Cottrell -- was it Mr. Cottrell?

A I am quite sure it was Mr. Cottrell. I may be wrong. It was 28 years ago, but it is still vivid in my memory about what was said to me.

Q Can you recall, since it is vivid in your memory, can you recall what Mr. Cottrell said to you as to what your duties were?

A He said, you sit over there and stay there; that is what you are paid for, to keep a lookout.

Q Then, you also told me, when we discussed your evidence, Mr. Hobbs, of an experience you had on another occasion when you were firing a passenger train for an engineer called Charles Lindsay; do you recall that?

A Yes, the late Mr. Lindsay -- I was firing a passenger section there. Mr. Lindsay was a freight engineer and I was firing on freight and I was called to handle a section of a passenger train. When we

approached Sicamous the board was on and Mr. Lindsay asked me to go over and pick up th hoop for him. The idea was, I suppose, that while he was going down to make a water spot at the water spout, and for that reason he wanted me to pick up the hoop so his full attention could be given to making this spot.

Immediately I went over to pick up the hoop I saw the Acting Superintendent, Mr. Forbes, climb up on the engine. He gave me a repetition of what Mr. Cottrell had given me. Before I went over there I knew I was doing the wrong thing, but I did not want to disobey the man that was in charge of the engine. He instructed me to go and pick up the hoop, so I did what I was told. I regretted it afterwards because I believe there could have been danger attendant to the movement while I was off the left side.

Q Do you recall what Acting Superintendent Forbes said to you in this case?

A He said, you stay over there; that is what you are paid for. Keep your head out of that window, that is what you are paid for. What would you do if you ran over somebody? It would be your fault, nobody else's.

Q That was on a passenger train?

A That was a passenger train, westbound at Sicamous.

Q There would not be any head end trainman on that?

A No, there would not be.

Q Could you recall approximately the year when this happened on the passenger train with Acting Superintendent Forbes?

A It would be a wild guess, Mr. Lewis. I could say maybe 1945, approximately around there. Now, I would have to leave that open to correction.

Q Your memory is now it might be around 1945?

A Yes, all I remember is the incident.

Q And I think the incident with Mr. Cottrell, you said, was about 28 years ago?

A About that.

Q That would have happened before the depression?

A That would have happened when I was '-- yes, before the depression.

Q Now, what stoker engines did you fire? Can you recall that?

A The only two that I remember, or the three that I remember, are the 5800's 5100's and 5300's. I fired both duplex and standard stokers.

Q Was the 2700 a stoker engine?

A Yes, that is right, too, I did have a couple of trips on 2700's. They would be transfer engines. There would be a few of them at Vancouver, and I fired a few of them going through the transfer to Vancouver Division.

Q I think you said earlier your experience on stoker engines was not extensive

A No.

Q Those were not your words?

A No.

Q Do you recall what the duties of firing the stoker engine included or what they involved?

A Well, I never got any instructions on stoker engines by experienced men. Anything I found out I found out by trial and error until I got running. Then I had some experienced firemen firing stoker engines for me and I learned a lot from them. The duties, as I found, on a stoker engine, after you got your fire settled, got your jets settled, for a coal burner fireman it was quite a picnic. Until you got used to them you would be watching your fire pretty closely.

When I saw others firing the engines afterwards, experienced men firing them while I was running them, I

marvelled at how little effort they put into firing, from the point of view of getting down to look at the fire. I even remarked to the fireman, I said, "Don't you ever look at the fire?" He said, "No, it is all right." I got down to look into the firebox and it was level, a beautiful fire in there; just level, no humps, no banks.

Q What oil burners did you fire; do you remember the numbers?

A 5900's, 5400's, 5700's, 3600's, 500's 5100's, 2700's.

Q Well, that perhaps covers quite a few of them?

A I forgot a few of these hand-fired ones, too, but I guess it does not matter for the record.

Q Did you have considerable experience in firing oil burners?

A Yes, considerable experience in oil burners.

Q On oil burners, would you indicate briefly what the duties of firing them involved?

A Well, the duties -- most of the operating valves were very close at hand; all the valves were in easy reach. The firing valve, if there was speed or the engine worked harder, you opened up the firing

valve. It was an arrangement of a brass handle, and you increased the flow of oil to the firebox. You watched that by watching out the stack and watching the colour of the stack. You also operated the level of water by a pump valve. It was just a matter of turning off and on a water tap like in your own bathroom.

Q Ordinarily, would you or would you not have occasion to leave your seat as fireman?

A On very rare occasions throughout a trip, when the engine was working extremely hard, you would get down and sand the engine out, that was put sand through the flues to cut off the carbon that had accumulated on the flues.

Q How often would you do that?

A On a round trip working hard, Field to Revelstoke, six or seven times; eastward, from Field to Revelstoke -- Revelstoke to Field, 124 miles, maybe five, six, seven or eight times, according to the engine. If she was steaming easily, you did not use quite so much sand.

Q Spend a moment, if you would, on the seating arrangement on the three types of engines we have discussed so far, that is, hand-fired, stoker and oil.

What is your recollection of the seating arrangement as between fireman and head end brakeman on hand-fired engines?

A There was a seat provided for the brakeman ahead of the fireman on the left-hand side on the hand-fired engines. I am afraid I cannot give you any information where the seat was on a 5700 I fired; it was quite some time ago and I really forget, but on the 3600, 3700 and 500, which we had most of, the seating arrangement was that the brakeman sat in a small, narrow seat ahead of the fireman on that

H-2 type of hand-fired engine.

Q Could you compare, from your recollection, Mr. Hobbs, the lookout opportunities of the brakeman and fireman on these three engines you mentioned, the 3600, 3700 and 500?

A The brakeman's seat was an extremely narrow one, an extremely uncomfortable one. It was pressed hard against the boiler. His ability to move was very restricted. There was a small window ahead of the brakeman, but because of leaks that might come from the injector, either from the inside or from the outside, it was invariably fogged up or water spots on it or frozen, according to the seasons. The brakeman's ability to look out the

side window was very restricted because the slide window in most of these cabs would not go forward so he could have a comfortable lookout. He could, with some great strain, look out on the left-hand side, but it would be at some strain that he would do so.

Q What about the fireman?

A The fireman, when he was not on the deck of the engine, his view on the left-hand side was parallel to the view of the engineer on the right side. Both looked out of the window. There was an arm rest for him to lean on and he had a commanding view of the left side, both backwards and forwards.

Q Suppose he was on the deck, had he any opportunity for lookout from there?

A Not while he was actually engaged in firing, but he had a very good opportunity, especially in the summer weather, of looking out the door or the gangway from the deck of the engine.

Q What about stoker and oil burner? Where did the brakeman sit in relation to the fireman?

A On a stoker engine the brakeman sat on a seating arrangement behind the fireman next to the door. In the summer time he did not have a bad arrangement at all,

but his view was restricted to a great extent by the size of the fireman. His seat, as I remember it, was somewhat lower than the fireman's. The fireman sat on a seat box on a small raised-up deck.

Q You said in the summer time it was not too bad. Was there any difference between summer and winter?

A In the winter time the brakeman found it very difficult to continue sitting in his seat because the door was never well fitting and it was extremely drafty, especially in subzero temperatures. It was almost impossible for him to sit there for any length of time.

Q What did he do then?

A He stood up.

Q Where?

A On the deck. If he thought he was getting in the way he would move away if the fireman should have to get up and look into the firebox.

Q What about oil burners with regard to the seating arrangement as between the brakeman and the fireman?

A On the 5700 the brakeman had a seat box in the middle of the deck. He was much lower, by at least two feet, than the seat for the fireman or the engineer. He sat on the deck and he faced the boiler.

When he was sitting down the middle of the boiler would be about straight in front of him, his vision.

Q You say that was the case with a 5700?

A A 5700.

Q Would that be descriptive of the seating on oil burners?

A No, on the 5900 the fireman sat ahead of the brakeman. They both sat on the seat box or a similar seat arrangement on a common deck. They were both raised up off the deck of the engine and the fireman sat ahead.

On the 5900 the fireman was always subjected to excessive heat and he had to keep his seat pushed well back because if he didn't the heat would be excessive. The brakeman sat behind him on a common deck, in about the same type seat arrangement, about the same level.

Q What about the 500, the 2700 and the 3600? Without going into details, did you have similar seating arrangements or was there a difference?

A To the best of my memory most of the men sat on the seat box on the back of the engine. There were still old seats, there were still some of those left on the 3600's and the 500's which was there from the coal days before those engines were converted, but to the best of my memory they always left there that frame but there was no seat on them.

Q How did the fireman's lookout opportunities compare with the trainman's lookout opportunities on those oil burners?

A Would you repeat that question?

Q How did the fireman's lookout opportunities compare with the opportunities for lookout for the trainman on those various oil burners?

A On the various oil burners the fireman had a much better opportunity of lookout. His seating arrangement on all those engines was comparable to that of the engineer because his view was on the left side and the engineer's was on the right.

Q Turning to another subject briefly.

During the Easter recess of the hearings of this Commission you went back west and you made one round trip, that is a trip from Revelstoke to Field and back again from Field to Revelstoke; is that right?

A That is correct.

Q Do you remember the dates on which you made those trips?

A Can I refer to my references?

Q Certainly, that is with the Chairman's permission.

A April 29.

Q You made which trip?

A My eastward trip was on April 29, 1957.

Q And then your westward trip back?

A The following day, the 30th.

Q Just out of interest to this Commission, Mr. Hobbs, can you recollect the number of train orders which you received on that trip on the 29th going from Revelstoke to Field?

A I have no note of them; I have the train orders here.

Q Could you say what the total was and give that to the Commission?

A I think it is 29.

Q And were there any messages other than the normal train orders?

A I got two messages.

Q Did you get those train orders all in one place or did you get them at various points along the route?

A No, I got them at various points en route.

Q Still dealing with this first trip from Revelstoke to Field, Mr. Hobbs, how many locomotive units did you have?

A Two units.

Q What were they?

A The lead unit was a car body A type 4028. The second unit was a road switcher, 8533.

Q Is that what the ticket says?

A That is right.

Q What number of cars did you have on the train?

A Fifty-three cars.

Q On your way back on April 30 from Field to Revelstoke how many train orders did you get on that trip?

A About the same amount. I have not copies of those train orders, Mr. Lewis.

Q Since one set of train orders have been filed by my friend I do not see any value in copying them all out, but you say there was about the same number?

A About the same number.

Q And did you get them all in one place or at various places?

A No, I got them at open telegraph stations en route.

Q How many units did you have on this trip from Field to Revelstoke on April 30?

A Four units.

Q What were they, road switchers or car body units?

A A road switcher was in the lead, 8612, and behind that were three B units, three B car body type units.

Q This number of train orders, about 25 in each case, as you said, would that be an unusual number or would it be pretty typical?

A I would say it would be unusually light because the traffic was light at that time.

Q What train were you on going from Revelstoke to Field on April 29?

A Extra 4028 east.

Q What train were you on going west from Field to Revelstoke on April 30?

A 965.

Q That would be a symbol train?

A That was a symbol train.

Q Was there or was there not anything unusual in the trip on the 30th with

the symbol train with regard to those orders?

A Yes, there was, Mr. Lewis. It was rather unusual to operate a train on the main line of the Canadian Pacific and run from Field to Revelstoke without meeting a freight train. There was a work train but it was out of my way. I never met a freight train and I only met one passenger train, which was No. 2, which I cleared at Albert Canyon.

Q Mr. Hobbs, on one of those trips you had some setting off of cars to do, is that right?

A That is right, on the trip on the 29th I had instructions to set off cars at Golden.

MR. LEWIS: Mr. Chairman, I will have the witness explain this move with reference to Exhibit 237 which is a sketch of the Golden yard. I would be grateful if the Secretary would give the witness his copy because I have not an extra copy.

BY MR. LEWIS:

Q You were eastbound. This sketch is right side up. You were eastbound from Revelstoke, is that right?

A That is right.

Q Would you explain your move in

setting off these 18 cars at Golden? Did you receive any orders with regard to them, any train orders with regard to that?

A Yes, I did. I got a meet with a freight train there and I also got a message which I have here which gave me information that that freight train I was meeting there would also be there for Train No. 2, which was The Canadian.

Q You say you got a meet with a freight train; do you remember what number it was?

A I cannot remember it; I would have to look it up.

Q Yes, do that.

A No. 73, engine 8409, east at Golden.

Q Is that Form 19-Y-51?

A I received that order first at Stoney Creek, to meet him at Golden, and then at Beavermouth I got a superseding order, No. 73, engine 8409, meet extra 4028 east, which was me, at Glenogle instead of Golden, and then I also got at Beavermouth a further order, Order Y-51 which stated that Order 50 was null, that engine 4028 would meet 73-8409 at Golden.

In other words, I got an order at Stoney Creek which gave me a meet

with 73 at Golden. At Beavermouth after I had proceeded down the hill I got two orders, one superseding the order I got at Golden giving me a meet at Glenogle, which is east of Golden, and then at the same time I got an order which annulled that order and gave me a meet back at Golden, at the original meeting place.

Q Did you get any message from the dispatcher as to the way you were to set off your cars?

A Yes, I got a message to set off our cars on the south siding at Golden, and also that No. 73 had 35 cars and will be at Golden for No. 2.

Q With the permission of the Chairman perhaps I can summarize your evidence. I understand your evidence to be that you were to be at Golden?

A That is right, for No. 2.

Q And you were to meet No. 73, Mr. Hobbs?

A That is right.

Q At Golden. Both No. 73 and you were to keep clear of passenger train No. 2 at Golden?

A That would be correct. We have to clear him by rule.

BY THE CHAIRMAN:

Q No. 73 was going east?

A No. 73 would be westbound, an opposing movement to me; I was eastbound.

BY MR. LEWIS:

Q You had 18 cars to set off at Golden, which you were instructed by message to set off in the south siding?

A That is right.

Q Having said that, Mr. Hobbs, will you look at Exhibit 237, which I think is in your hands, and explain your movement to the Commission eastward from Revelstoke? Did you come straight along the main line or did you go onto one of the passing tracks when you reached the western end of the yard; what did you do?

A Where it says "To Revelstoke" on the left-hand side of the exhibit, the first switch on the north side; I headed in there and proceeded down north. It says "North passing track" but I suppose north siding would be the proper term to use. I pulled in until we got into the clear, until our tail end got into the clear at the west end.

Q Since I believe you said you only had 53 cars, if my memory serves me right, then you would also be clear of the switch?

A I would also be clear of the highway crossing and the crossover switch is there, just slightly to the west of the highway crossing.

Q You stopped in the north passing track with your entire train?

A That is right.

Q Perhaps I can expedite this a bit. Then I suppose you cut off the 18 cars that you had to set off; is that right?

A The conductor remained at the rear of the train and lined the switch after we had got into clear. In the meantime we had a very ambitious young trainman on the tail end and he climbed up over the top and walked over the top and when I got into clear he was at the point where he was going to cut off the cars 18 cars from the engine. They were all switched out in good order and all we had to do was set off the 18 off the head end.

Q Where was the head-end brakeman?

A Immediately we made a stop he went over and threw the other passing track switch, the other passing track switch from the main line. He also lined up the crossover switch to the main line while the tail-end man was cutting off the 18 cars.

--

Q Then you have your conductor at the rear end lining the switch back on the main line after you were in the clear and the rear end trainman travelled along the top of the cars until he reached the 18th car and then he got down and pulled the pin when the time came and your front end brakeman had gone to line the switches you have mentioned?

A That is correct.

Q Now then, when the pin was pulled after the 18th car what happened then?

A The tail end brakeman gave me a proceed signal, a go-ahead signal.

Q Yes?

A And the head end man took up a position somewhere in the vicinity of the station which is east of the crossing and south, on the platform --

Q Yes?

A I proceeded in an easterly direction and keeping a sharp look-out because I knew that this other freight train I had a meet on was going to occupy the siding or a portion of the track that I was now using for switching and I also knew he was in close proximity because the signal indicated yellow when I was coming in on the west end. I knew that he was coming.

Q Yes.

A I proceeded east -- .

BY THE CHAIRMAN:

Q Excuse me, how far away would that signal tell you he was?

A Sir, the station, the siding east of Golden is a place named Glenogle and immediately a freight train or any train comes out of Glenogle the board on the west end of Golden goes to yellow.

MR. SINCLAIR: The signal.

THE WITNESS: The signal.

THE CHAIRMAN: I just asked about the distance.

BY MR. LEWIS:

Q How far would it be from Glenogle to Golden?

A I think it is about seven or eight miles. I would have to look at a time card.

THE CHAIRMAN: That is good enough.

BY MR. LEWIS:

Q Well then, you were pulling up east still on the continuation of the north passing track?

A That is right.

Q You pulled up eastward?

A That is right.

Q You said the rear end brakeman had given you a proceed signal?

A That is right.

Q And what about this highway crossing?

A Well, the brakeman, it is not necessary under

the instructions to flag that crossing other than it is a 10 mile an hour crossing and both the fireman and I were in our seats and watching.

Q Yes?

A And we proceeded eastward on the siding and when I was starting to come around the curve which is just north of the letter "B" there the brakeman gave me a sign that he was going high.

Q You said north of the letter "B". The letter "B" is not in exactly the same place on every one.

A I guess not. I am sorry.

Q Where would that be in relation to these --

A It would be north of those two spurs; you see marked here the route for Cranbrook.

Q It is in that "V" between the spurs and the Cranbrook line?

A That is right.

Q And when you got around the corner --

A When I started to go around there I started to pass out of the vision of the brakeman and he gave me a signal that he was going high and I continued to go slowly forward and almost immediately he got on the top and the fireman said, "I have him, go ahead a little more". Then he said, "That will do". That meant I was to bring the movement to a stop and within a few moments he said, "Back up".

Q Who did?

A The fireman said that, relayed the signals he was getting from the brakeman from the top of the car.

Q So you backed up?

A We proceeded in a backward movement and the fireman said, "Well, he is getting down now", and almost immediately I saw the brakeman come into view again on my side. We continued backward over this cross-over here --

Q The cross-over which is west of the highway? Is that right?

A Yes, just west of the highway, out on the main line for a very short distance and then into the south passing track. We pushed into clear there. There were no cars in that passing track at all. We noticed it was clear when we were coming in and the tail end brakeman was riding the point of the movement going in there.

Q Where was the head end brakeman?

A He stood in the vicinity of the crossing and then followed -- when I started approaching the crossing at the east end he started to walk towards the switch west of the crossing so he would be in a position to relay the signals when the engine went in on that kink, went into the left curve there. He was continuing to relay signals to me. He could see the man on the top of the car

at that point. At that point the man on top of the car would have passed out of my vision but I could still see the head end brakeman.

Q Then you pushed these 18 cars in to the south passing track and, if I may hurry this up, Mr. Chairman, cut off the engine, pulled the engine light out of that and backed it light down on your train in the north passing track. Is that right?

A That is right.

Q And stayed there?

A Yes, just as we were coming over the cross-over we could see our meet, No. 73, coming down slowly through the siding, in the north siding where I had occupied a few moments previous to that.

Q You were standing on the north passing track west of the highway?

A That is right.

Q And when 73 stopped, as I imagine he did since you are here, Mr. Hobbs, where was he?

A He was east of the road crossing.

Q You sort of just stood facing each other?

A Facing each other.

Q And then did No. 2 come along?

A I haven't a note but she was somewhat late. She was due out of Moberly, the station in the rear, and I was going in the same direction as No 2, so I had to be into the clear

at Golden before No. 2 was due out of Moberly in compliance with the rule.

Q What I am asking at the moment is did No. 2 ass?

A Yes.

Q And when it passed Golden what happened then, just to complete the picture?

A When No. 2 went by we remained where we were and our brakeman arranged to line up the cross-over west of the crossing and let No. 73 out on the main line and our brakeman lined up the switches behind 73.

Q Lined it up for you?

A No, for 73, lined them up in their proper position.

Q And No. 73 --

A Departed.

Q -- continued going west and I suppose then the switches were lined for you eastward and you --

A I moved eastward along the siding after No. 73 had cleared and went up to the east end of the yard and proceeded on a caution signal following No. 2. The signal at the east end was at yellow or caution and I proceeded eastward behind No. 2.

Q Now, you mentioned before and I should like to go into it in a little more detail with your help, Mr. Hobbs, the rule as to when you had to clear at Golden for No. 2.

THE CHAIRMAN: Would it be convenient to do this at 2 o'clock?

MR. LEWIS: Certainly, sir.

--- The Commission adjourned at 12.25 p.m. until 2 p.m.

Monday,
June 10, 1957

AFTERNOON SESSION

GEORGE HOBBS, Recalled

THE CHAIRMAN: Mr. Lewis, you had just finished with 237.

MR. LEWIS: Yes sir.

BY MR. LEWIS:

Q At adjournment, Mr. Hobbs, as the Chairman has reminded you, we were dealing with your experience at Golden, during your eastern trip on April 29th from Revelstoke to Field. I was just about to ask you what your duties were under the rules with regard to clearing No.2, which was coming in the same direction as you were going.

A We are required by Rule 86 to be into clear at Golden before No.2 was due out of Moberly, which is the station to the west of Golden.

Q When did you arrive at Golden?

A If I may look at my notes, I have it here - 10.50.

Q In view of the times you use, it is not necessary to add "A.M."

A No, not on the western lines.

Q When was No.2 due out of Moberly?

A 11.08.

Q Did you take note of the time when you completed your switching move that you

described before lunch?

A Yes, we were back to our switching move; our move was made and we were back into the clear with switches properly lined at 11.05.

Q So that you were three minutes ahead of the time that No.2 was due out of Moberly?

A That is it; that was the margin.

Q And Mr. Hobbs, could you have made the move that you described without having to pass signals through the fireman when you pulled out around the curve if you had waited for the conductor to come up and assist in the signal passing?

A I think with that number of cars the answer would be "yes"; I think we could have done it with three.

Q If you had waited for the conductor to come up, could you have completed that switching move before 11.08 when No.2 was due out of Moberly?

A No, that would be quite impossible. We consumed all the time as was and every thing dovetailed in properly; everybody was co-operating, and there was no false move made at all. I started to move almost within two minutes after arriving there; the cars were cut off and the switching move had commenced. If you had to wait until the conductor walked up from the tail end, we would have to remain in the siding where we

were until our meet had gone and No.2 had departed.

Q Now, Mr. Hobbs, did you have any other meet on that train or was this meet with No.2 the only one?

A We are required by rules to clear No.2. We did not have any meet or train orders on him. I was at Twin Butte out of Revelstoke for the first 953 - I had nothing on him . I had to arrange my own meet, and all I had time to do was leave Revelstoke and go to the second station out of Revelstoke, which is Twin Butte, and there to arrange to meet and clear the first 953 - clear him by five minutes as required by Rule 89.

Q You say you had had nothing on him. What was your guide in that case?

A Only my timetable.

Q Then did you -- whatever the term is -- have to clear or meet any other train?

A Yes, out of Revelstoke I received a run late of two hours and 20 minutes on the second 953.

Q You say you received a run late: That means a train order that told you ...?

A Yes, that the second 953 would run two hours and 20 minutes late, Field, on the schedule of 953.

Q What did that mean?

A That meant that I would have to also arrange for my own meet on that too - figure out how long it would take me to go from one station to the next, and that would have to be done with experience and calculation as to how far I could go.

Q Did you have any others?

A Yes, I also had a wait for No.77 at Illecillewaet.

Q How did you know that?

A I had a train order to that effect. As it happened I went to Illecilewaet to clear at No.77 on the wait, and when that time expired I did not have sufficient time to go forward, so I stayed at Illecillewaet for both those trains.

Q Which trains?

A Second 953 and No.77.

Q Now, the timetable, as the Commission has seen, will show a number of trains with certain times they are to leave their starting points. Did you have any train orders relating to those trains?

A Oh yes.

Q What are they?

A There are a considerable number of trains in our new time card, which took effect a little more than 24 hours previous to my going to work. I received six annulments of train orders.

Q Six annulments of train orders?

A Six annulments of trains.

Q That means that you were informed that they were not --

A They were annuled Field to Revelstoke; some of them were opposing movements and some of them were movements behind me.

BY THE CHAIRMAN:

Q Annulment means that the train is not going to appear.

A That is correct.

BY MR. LEWIS:

Q And you said Mr. Hobbs that the new timetable had just come into effect 24 hours earlier?

A That is right.

Q It came into effect on April 28, I think.

A At 24.01 on Sunday - I have the time card here if I may refer to it.

Q It does not matter; I think it was April 28.

A It was about 30 hours before I was called at Revelstoke.

Q Did the fact that the time table had just changed put on you any additional burden or attention?

A I am always very conscious of time tables. I made one error and I try very hard not to make another. I misread a time card one time and I received discipline for it. This time card was considerable change from

the previous time cards in that not all extras, but the preponderance of extras, were west.

In this new time card the preponderance of extras moved east. There was also added to that new numbers of trains that they did not previously have. There were also added second class trains. Second class trains pose a problem because you have to clear them in at the rear the same as the first class trains.

Q What did you do with regard to this new time table when you were first called out of Field on the 29th?

A When I booked okay for duty I took my new time card home and gave it some thought and study so that I would be more familiar with it. When I came on duty it was necessary for me to go into a considerable detail with my conductor, Mr. Garner, and read the time table, go over it in great detail, find out the trains that were annulled and make sure that they fully understood and knew the content of our orders and what they implied in relation to the time card that was new to all of us.

Q Mr. Hobbs, you told us earlier that in 1951 you had received discipline, and you were set back firing because you had misread a

time card. When you did that in 1951, was there or was there not any accident or mishap as a result of your misreading the time card?

A Oh no sir.

Q What did happen?

A I misread the time out of Beavermouth on old No.8 -- when I say old No.8 I mean the schedule of that time -- and I read the time out of Redgrave, which is the first station east of Beavermouth. I read it as the time out of Beavermouth. I was not even hurrying; I was quite content I had time to go there, and there was no need of my hurrying. It dawned on me through, I believe, a fireman reminding me after I went over the west switch at Redgrave that I had only 12 minutes to go to Beavermouth - that is only allowing running time and does not allow me any time to clear. So, I immediately stopped - I admit I got quite excited about it. I am very conscious of clearing trains, as any engineer is; I am not any more conscious than anybody else....

Q If I may interrupt you, without going into the details of the incident what was the effect of your misreading the time card?

A No.8 was somewhat delayed, not seriously, but of course every delay is serious. I forget the figure, but I think it was delayed somewhere around 35 or 40 minutes.

Q And for that you got set back to firing for many miles, do you remember that?

A 20,000 miles was the original sentence.

Q Did you fire for the 20,000 miles?

A No, sir.

Q Did you fire for the whole of the 20,000 miles?

A No, sir.

Q What happened, again without detail, what happened?

A It was reduced to, I think it was about 12,500 miles; somewhere around 12,000 miles.

Q Is there any loss of pay if you are set back from engineer to fireman?

A I was out of service two weeks, two weeks pay as an engineer, and then I sustained the loss of the difference between the rate of pay for fireman and engineer.

Q In watching the time card and these train orders that you told the Commission you received on these trips -- by the way, can you recall whether on other trips you would get as many or fewer or more train orders than you got on these two trips?

A Well, as I said, the traffic was much lighter, sir, at the time I made that trip and consequently the train orders

would be correspondingly lighter. Yes, I would get considerably more train orders if the traffic was heavy.

Q This duty of watching the time card and the train orders, is that or is that not considered one of your primary responsibilities as the engineer?

A It is the responsibility of all those engaged in road work. The engineer, I suppose, by virtue of his position on the head end, and the conductor, by virtue of his position on the tail end -- I know I did in this case -- go back over it and back over it several times; even en route I was referring to my time card many times.

Q Now, turning to another point, Mr. Hobbs, do you recall an incident --

BY THE CHAIRMAN:

Q Does that mean that the engineer has three other people checking with him in the cab, the fireman and trainman on the head end and the conductor in the rear?

A No, the whole five are.

Q The whole five?

A The whole five check on one another, check on their orders for errors that they might make or errors that others might make.

Q So that even if the conductor was on

the rear end and the trainman in the back of the train, if they are following the schedule the way you are and the orders the way you are, they see that you obey them as well as you, yourself?

A That is right, sir.

Q If they see you are not obeying them, the only thing they can do is put the air into emergency?

A They could stop the train. If they saw it was not necessary to apply the emergency they might put a red fusee out from the tail end.

Q I just want to understand this. In that very case you gave, where you had gone beyond the west switch of that station and had only 12 minutes to get to the next station, where the other train was coming to meet you -- I am just putting this crudely to get an answer to my question -- if the conductor and the rear end trainman were on the job they would have stopped you before you had gone very far, perhaps before you had realized the misreading of your time table yourself?

A Well, I am somewhat reluctant to incriminate anyone else, it was my fault, but they should have stopped me.

Q I am not talking about blaming anyone or anything of that kind. I just want

to understand the practice.

A That would be the practice, sir, I think, in a case like that I should have been stopped by an emergency application immediately I went over the east switch, where I would clear that superior train.

BY MR. LEWIS:

Q Do you recall an incident which occurred to you last year, early in 1956, on the Shuswap Subdivision?

A That was at Kamloops?

Q Yes?

A I believe I was on a stock train that came into Kamloops, British Columbia; that is the westward terminus of the Shuswap Subdivision. I came in there and stopped at a S.P.S. board, a station protection signal. The brakeman, Brakeman Berkenshaw, walked ahead, as is the usual custom, to go to the phone and ascertain from the yard office which track he was to put the train into.

He, having done that, and left the engine cab, went to the phone first and then he went to line up the switches in the usual manner. He gave me the proceed signal to go ahead. I noticed the fireman got extremely fidgety and he shouted, "Don't move." I had released the engine brake and put my hand on the

throttle to start to move forward. I said, "What's the matter?" He said, There are three kids, three youngsters, that is the term he used, who have just crawled under our train.

Q What was the fireman's name, do you remember?

A Fireman Elmer Aho.

Q What happened then?

A I told him not to take his eyes off the car, the spot, and remain there, and I also kept my head out the left side to see if they came out. If I did not see them, and if they did not come out, as long as we did not move there would be no harm to the kiddies.

Q You said you also kept your eyes out of the left side?

A Out of my side, the right side, I should have said, and the fireman out of the left side. The trainman could see us looking back. He was not very far ahead of us. He sensed something was wrong and he walked back quickly. The fireman told him about the children under the train and he immediately went back and chased the kiddies away. They ran away laughing.

Q And after that were you given the proceed signal and went on your way?

A

A I waited until the brakeman came back up and I said, "Did you look to see if there were any more?" He said no, he had walked back farther than where the children were, so I whistled off and pulled in.

Q Could or could not this head end trainman have seen these children on the fireman's side from where he was giving you the proceed signal?

A No, it would be quite impossible.

Q Where were the other members of your crew?

A They were in the tail end, in the caboose, in their usual places.

Q You had just pulled up at the station protection signal?

A That is right, sir.

Q Have you or have you not had experience with children playing in and around railway yards in your territory?

A Yes, we have had, not so much on the main line, although we do have trespassing. Children seem to be attracted by the locomotive, by the engine. Adults come around to satisfy their curiosity.

Q You worked the Okanagan Subdivision?

A Yes, I did.

Q How long ago?

A Well, since I worked down there as engineer or in engine service, it is

six or seven years; six years ago, anyhow.

Q Do you remember whether you had any occasion to deal with the matter of children at Vernon?

A Yes, I did. I was somewhat alarmed by some of the things I saw at Vernon. I was so alarmed that when I came home from my trip, I arrived home sometime in the a.m., and I tried to make contact with the superintendent. But I was again called for pusher that night, and I made a point the following day of going to the safety meeting. I asked my wife to call me. I was sleeping days, and I went to the safety meeting and talked about this incident. I drew it very strongly to the attention of the railway officials, who were very co-operative and said they would do all they could about it. That is all that happened at that time.

Q This was with regard to the Vernon yards?

A That was with regard to the Vernon yards.

Q You told us you worked there six or seven years ago?

A That is right.

Q Have you visited the Vernon yards more recently?

A Yes, I did. I visited down there with

an old friend of mine, in Vernon, and I just happened to be going by, I think the name of the avenue is Schubert Avenue, at Vernon, with my car on the day before Good Friday.

Q Of this year?

A Of this year, and I noticed that school had just got out and a great number of children were using the yards as a thoroughfare. As a matter of fact, there were three or four bicycles being ridden down between the siding and the main line. There were also two of these bicycles, there were children riding in a northward direction, two children on each bicycle, one child riding the bicycle and the other on the handle bars.

Q Are there any schools close to the yard in Vernon?

A There are two schools close to the yard,

M-2 sir. The Vernon elementary school, which has over 1,000 children attending it, is within less than a block of the yard. Then, there is the Vernon junior high school with somewhere around 700 children attending it, which is a block and a half or two blocks from the yards. There are about 1700 or 1800 children within the immediate area.

Q I want to ask you next about an incident

that occurred on August 22, 1955, involving a trainman called E.C. Martin. Mr. Chairman, I think I might save time, instead of going through the regular procedure of question and answer if I informed the Commission and my learned friend that Mr. Hobbs provided me with a statement of the fireman, a statement taken at an investigation by -- I think the signature is Mr. Flett. What his position was at that time I do not know. I should have said that he witnessed the statement, and the statement is signed by the fireman who, in this case, is G.W. Saari. It is a statement in connection with injury sustained by Trainman E.C. Martin of Train Extra 4031 West at Glacier, Mileage 85.5 Mountain Subdivision, at 19.40 on August 22, 1955. The statement was taken by Assistant Superintendent W.R. Flett.

Part of the statement of the fireman reads as follows, Mr. Chairman:

> "Approaching the west portal of Connaught Tunnel the engineman shut off the throttle and when the train slack had adjusted itself he made a service application of the brakes. We observed that the train order board at Glacier was in stop

"position and Trainman Martin prepared to detrain, get the train orders and make an inspection of the train. While the train was travelling at about ten miles an hour and approaching the station Trainman Martin opened the cab door on the south or left side of the locomotive and prepared to detrain."

That side, Mr. Hobbs, would be the fireman's side?

A That is the fireman's side; that is a A unit you are speaking about?

Q (Reads):

"As we were passing the station Trainman Martin was standing on the bottom steps of the cab steps and detrained in front of the station, about opposite the train order signal mast. I observed that as Trainman Martin detrained to the station platform his foot slipped, and although I cannot be positive I believe that it was his right foot that slipped, and as he still had hold of the vertical grab iron on the east side of the cab door with his right hand, he was thrown against the side of the locomotive and then fell, falling to the station platform and down between the station platform and the south rail of the westward main track."

It will be recalled that this is a statement by a fireman.

"I called to the engineman to 'plug her' which was done immediately and I immediately detrained and ran back to look for Trainman Martin. I found Martin lying on the edge of the platform face down and Operator E.L. Fey was talking to him. I

"asked Fey where I could find a stretcher and looked around the station but not finding one cut between two cars of the train and to the north side of the yard to get a stretcher from Mannix Construction. However, someone had already started for this company and secured the stretcher and the services of their first aid man. Seeing the rear crew members approaching I ran eastward and met Conductor Cutler and advised him of what had taken place. We assisted the first aid attendant in placing Martin on the stretcher and loading him into the caboose."

That statement, part of which I have read, Mr. Hobbs, was that supplied to you by the the firemen's lodge or by Mr. Saari himself, or do you recall.

A By Mr. Saari himself.

Q Can you say to the Commission from the description of the accident and from what you have been told about it whether the train, having been stopped when Fireman Saari called for the engineman to do so had any effect on the accident which Mr. Martin sustained?

A In the ordinary course of events he would have released the brakes at that time and

proceeded westward to have the caboose somewhere in the vicinity of where Mr. Martin detrained. The idea there is that it is a positive inspection point and there must be both a running and standing inspection of trains. If he had not stopped the movement as quickly as it did, and it looks from the statement that the stopping of the train was almost instantaneous, it would no doubt have resulted in a much more severe injury. As it was Mr. Martin was confined to the hospital with a broken back and was in a cast for quite a number of months, and he had other injuries which I am not familiar with. Mr. Martin is today back on the job working as a trainman in his normal occupation.

Q Now, in general terms, Mr. Hobbs, can you tell the Commission whether from your experience in the yards at Field and at Revelstoke -- first I should ask you if you have had experience in yard work in Field and Revelstoke or not?

A Yes, I have had. In Field we had quite a lot of switching there on freight engines with two or three and four units. Sometimes we have used yard engines if they were available to us, otherwise we

used freight engines when they would come in.

Q When you did this switching in Field, was it done as a member of the yard crew, as an engineer with a yard engine, or as a member of a road crew?

A As a member of a road crew.

Q And have you had any experience doing work in the yard at Revelstoke?

A Yes, I have had some experience in yard work at Revelstoke. While I was working as a spare engineer I had some experience, but I did work, I think for three weeks or a month, in yard service in Revelstoke invoking the clause in the engineers' contract that I could do so while there was sickness in my family. I wanted to remain in Revelstoke and still be in gainful employment, so I arranged that I could work in yard work and did so for a period of some weeks.

Q From your experience in the field and Revelstoke yards would you tell the Commission in general terms -- no sketches this time -- whether there are or are not difficulties in passing signals on the engineer's side?

A At Field, if I may take that one first, as it is with two eyes, with eyes on each side of the cab at all times, it

does not pose much difficulty at Field as such on the east end with the engine facing south, as we always do there if we are using a road engine, as is; but if the eyes were removed from the left side of the cab then it could not be done.

Q What about Revelstoke?

A At Revelstoke we have quite a problem there with backing. We have a heavy curvature towards the east end of the Revelstoke yard, a curvature towards the left. Up to a few weeks ago there was very little clearance between the tracks. Right now they are widening it.

The curvature is such that if we were going into, say,No. 2 track and there was cars on the adjacent track, such as 3 and 4 and 1, going into that curve, well it would be quite an impossibility to really be in the engine on a train and go into that curve, even with two eyes on the left side of the cab and still have the brakeman in his proper position.

I have on several occasions stopped and informed the brakeman I would not move, that I would wait until the conductor came up so that we could move the engine safely. I have never had an

incident happen myself as engineer, but I almost had one as a fireman.

MR. LEWIS: Mr. Chairman, I said there were no sketches for Field and Revelstoke, but I do have sketches for two other places. I should like with your permission to file as Exhibit 251 our most artistic effort, being a sketch at Glenogle.

EXHIBIT 251 -- Sketch, Glenogle.

BY MR. LEWIS:

Q First, Mr. Hobbs, is there much switching done at these sidings at Glenogle?

A Not very much, but this is a positive inspection point and we have experienced considerable wheel breakage in the Mountain Subdivision which is causing a lot of worry. This has been the case for some time and on several occasions there we have had to set out cars with broken wheels at that point.

Q When you say a positive inspection point, you mean you are required to make inspections there?

A We are required to make positive inspections, both standing and running inspections.

Q The time card requires you to do that?

A Yes, the time card requires us to do that.

Q Would you make that inspection on the main line or not?

A We would make the inspection on the main line. The procedure would be that the engineer would slow down just inside the east switch and permit the trainman to get off the engine. He would watch the train pull up and the engineer would proceed down to the west end and stop. They would have estimated that the caboose behind would have stopped somewhere in the vicinity of the trainman that had got off the engine. When the train had stopped the two trainmen would walk forward and make a standing inspection of the train.

Q If you were doing that on the main line would there or would there not be any signal passing problem as far as those inspections were concerned?

A Not as far as the inspection was concerned, but if they found a defective car with a broken wheel and it was desired to set that car out, then at the present time there is no problem with eyes on both sides of the engine.

Q Let us make that move very briefly, Mr. Hobbs. Suppose you are going west, you are coming west along this sketch and you make an inspection and find a

bad order car that you must set off here. What would you do, would you just continue west?

A Yes. How many cars from the engine?

Q You tell me, you have had more experience.

A Around eight or ten cars, can we say?

Q Let us do it this way to assist the Commission. How many cars behind the engine could you have and pass signals safely on the engineer's side around the west curve?

A It would be impossible for the engineer to even see the first car behind the engine from his side with multiple diesel units.

Q So it does not really matter whether it is the eighth or the seventh or the tenth car for this purpose?

A No.

Q Then I suppose you would pull down along until the bad order car, say the seventh car, had passed that west switch?

A Yes.

Q And then?

A I would receive a back-up signal and the brakeman would generally go high, as we say, go to the top and you would receive the signals relayed through the fireman.

Q You would have two signals there, would not you?

A The go ahead first through the fireman; the stop through the fireman, and then the back-up through the fireman with say five or six cars.

Q And then when you got the back-up signal you would back into the passing track?

A Back first into the siding, the passing track it is marked here, and then into the back track.

Q Which is the little track there?

A It is the little track in the middle there.

Q South of the passing track?

A Yes.

BY THE CHAIRMAN:

Q There would be just the engineer and the fireman and one trainman involved in that move?

A No, sir, the two trainmen would be walking up at that time.

Q The whole five members?

A Sometimes the conductor doesn't come up, but if he heard the engine reving up or something, he would come up immediately to find out if there was something wrong.

Q How many men are involved in this

movement you are speaking of?

A Only two trainmen and the two in the engine, but if it was 25 cars from the engine or something like that then it would involve all three trainmen and the engine crew to pass signals because just west of the curve you see there to the left there is a sharp S curve to the right. The enginman could not see a man there at all, only the fireman could see him.

BY MR. LEWIS:

Q Then I suppose when you have set off the seventh car on this back track you would go forward again and back onto the train?

A And back onto the train.

Q The same signal-procedure would be followed when you pulled out onto the main line and around that west curve?

A That is right.

Q And back up onto the main line with your train?

A Yes, sir. I might mention, if I may, that the Kicking Horse River is just immediately adjacent to the track there on the siding and there is very little footage there. In the summer-time there is sufficient to comfortably get by, but in the winter-time the footing

is very precarious and on the right side it is heavy mountain there, straight up almost from the edge of the grade. In winter-time you have small slip slides there and it is quite impossible for anybody to give signals or be sufficiently back on that side even if they could see.

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Q If there are no questions on Exhibit 251, Mr. Chairman, I should like permission to file as Exhibit 252 a sketch of that place so fascinatingly named, Illecillewaet.

THE CHAIRMAN: I can spell the "Ille" part. What is the rest?

MR. LEWIS: I-l-l-e-c-i-l-l-e-w-a-e-t. I think that is how the time card spells it.

BY MR. LEWIS:

Q Again, Mr. Hobbs, let us start by giving the Commission information as to whether there is switching done at Illecillewaet?

A Not as a whole. It is sometimes used there, this extra trackage you see is used for storing cars and generally for westbound wheat, or sometimes there is live outfit cars there, what we mean, people living in the outfit cars; men working repairing the snow sheds around that point are housed in those cars.

Q But on the whole you say there is no switching?

A No heavy amount of switching.

Q And would the amount of switching that there is or I suppose setting off would be more correct when it is used for storage -- would the amount of setting off that is done be done more by the eastbound traffic or by the westbound traffic?

A I would say it would be mostly by westbound traffic but there would be some east.

Q If you will permit me, Mr. Chairman, I suppose, Mr. Hobbs, you might have to set off a bad order car at Illecillewaet?

A Yes, I have done so several times. That is an extremely heavy place to start a train. We call it lifting the train. I have on several occasions -- I think that is the proper word to use -- had bad luck at that point when lifting very heavy trains, and with the curvature there on the east end, to the left of it is fairly high mountains --

Q That is to the north?

A To the north, I should say, and to the south there is a ravine there. In summertime that would make it quite impossible for an engineer to see a brakeman giving him signals even at the first car and in wintertime it poses even a worse problem there because of the exceptionally heavy snow.

With the wing plow or even the spreader putting its wing out there and pushing the snow back the footing is very precarious and you cannot step much farther than 2 or 3 feet from the edge of the car. There is when you start to get into a lot of difficulty.

Q Now, Mr. Hobbs, this curve to the right looks as if it is up a hill as well as on

a curve. Is that right?

A Yes, that is the controlling grade right there.

Q But the curve itself, as I mentioned to you when we were discussing your evidence, if I may say so, Mr. Chairman, is to the left and then to the right, is it not?

A That is right, sir.

Q Well, when it curves to the right who then gets the signals?

A Then it would be the engineer would receive the signals there.

Q How are the signals passed?

A To begin with, if you had pulled a drawbar say two or three cars behind the engine, first of all the signals would be passed to the fireman and then as you went into this curve the signals would then come into the view of the engineer.

Q Where are the trainmen when they are passing signals?

A They would be on top.

Q On top of the cars?

A On top and when the reverse movement would be made to start backing in there then first the engineer would receive the signals and immediately it would pass out of his sight and enter the sight of the fireman and then the fireman all down through the curve would receive all the signals until the car was set out. The engineer might get them

in that No. 2 track there. He might. I think he would. They would come into his vision there for a short time.

Q And can you think of any way in which these moves east along the main line and then the back-up move into the siding could be made around these curves if there were no eyes on the left side of the engine?

A On the evidence I have given here before I said I was at Illecillewaet for two trains on my last trip and I tried to envisage myself as I sat there what position I would have been in if I had to set out a car there. It is much easier to do that when one is right on the spot, and there is a possibility that three men with an "A" unit by one of the men ahead of the engine, but it would be extremely awkward.

Q What do you mean "ahead of the engine"?

A Well, so that he could keep an eye on the engineer and somebody on the top of that car, but I think they could make the move, about half the move and they would get into difficulty when they got into the heavy curvature after they moved west of the two switches on that siding there. I don't think myself -- I am quite sure that it couldn't be made. It cannot be made from the right side anyhow because there is too many hazards

involved.

Q If there are no more questions on that I should like to take you now, Mr. Hobbs, to the question of snowfall on the Mountain Subdivision or the Shuswap. Let us take the Mountain Subdivision first. I asked you whether you could obtain some snowfall figures to put on the record and if you have done so will you please give those figures?

A I have done so. I endeavoured to get them at Field, British Columbia, from the National Parks Department but failed to do so. I did get them for Glacier and I did get them for Revelstoke.

Q Well, take Revelstoke first.

A I think the average snowfall --

MR. SINCLAIR: Revelstoke?

THE WITNESS: Yes. The average snowfall for the last ten years -- this information was obtained from the local paper in Revelstoke so correct me if I am wrong -- was 162 inches. I think it was 16 feet --

BY MR. LEWIS:

Q Well, have you your note with you?

A I have not.

Q If you have not I cannot give it to you. You will have to do your best from memory. You say 160 inches or so?

A Yes.

Q Was the average for ten years?

A Yes, that is right.

Q What about Glacier?

A 385 inches is the last ten year average. Two years ago, that is, the winter before last, they had 720 inches of snow at Glacier.

Q Now, I am sure the Commmission can and has used its imagination as to what the effect of snowfall would be but I should like you to give us from your experience, Mr. Hobbs, the effect of these heavy snowfalls on running a train over the line through the snowfalls?

MR. SINCLAIR: Did he say that the 720 inches was the record?

THE WITNESS: That is what I said.

MR. LEWIS: For the winter before last winter.

MR. SINCLAIR: That is the all-time record.

THE WITNESS: That was 1955-56.

BY MR. LEWIS:

Q Was this a usual snowfall, 1955-56?

A Oh, no sir. That I understand is the all-time record from my informants. The information I received was from the Parks Department. Glacier is in Glacier National Park.

Q You said it was around 385 inches as an average over the ten years?

A That is right.

Q I was asking you to give the Commission from your experience the effect of these

heavy snowfalls on your work as an engineer and on the train crew as a whole in operating a train over the Mountain Subdivision?

A It poses a problem in that combined with the heavy curvature and in the proper season there is always dangers of slides, several different types of slides that we call dry slides and wet slides and sugar slides and they all have different characteristics, but they carry with them heavy tree stumps, great chunks of ice and all kinds of vegetation that might grow on the mountain, and they will block the track when they come down.

Of course, we are experienced in there and we endeavour to try to keep our speed down at a point where we think there may be danger to the train and movement. But it also poses other problems. It poses problems of switching or where you break in half. Even on a very modest curve with a 4-unit diesel -- it doesn't matter what the consist is, whether it is road switchers or otherwise -- on a modest curve to the left it is impossible for an engineer to see any signals given him from the first car behind the engine.

Q That is in a 4-unit consist?

A Four or even a three, sir -- the reason being the wing plow just shoves the snow

on the average about 3 feet, maybe slightly more, away from the side of the train, and that 3 feet provides a very precarious footing at the best. In some places it may be all right but in most cases it may be either up against a bank or a mountain and in other places it will be down into a ravine, and it must be remembered when we have these fantastic snowfalls, when the snow is thrown from the wing plow, if there is a foot on the track and there is a foot on the side, with the snow thrown from the track over on the side therefore the snow on the side of the track is increased by that amount.

Q Now, is there any double track on the Mountain Subdivision?

A There is between Connaught and Glacier, half a mile west of Glacier. That is through the Connaught tunnel, sir.

Q Only through the tunnel?

A And a little extension outside each end from the east and west portal.

Q I think it was Mr. Emerson or one of the railway officials who informed us that it was about five miles?

A It is six miles and somewhat.

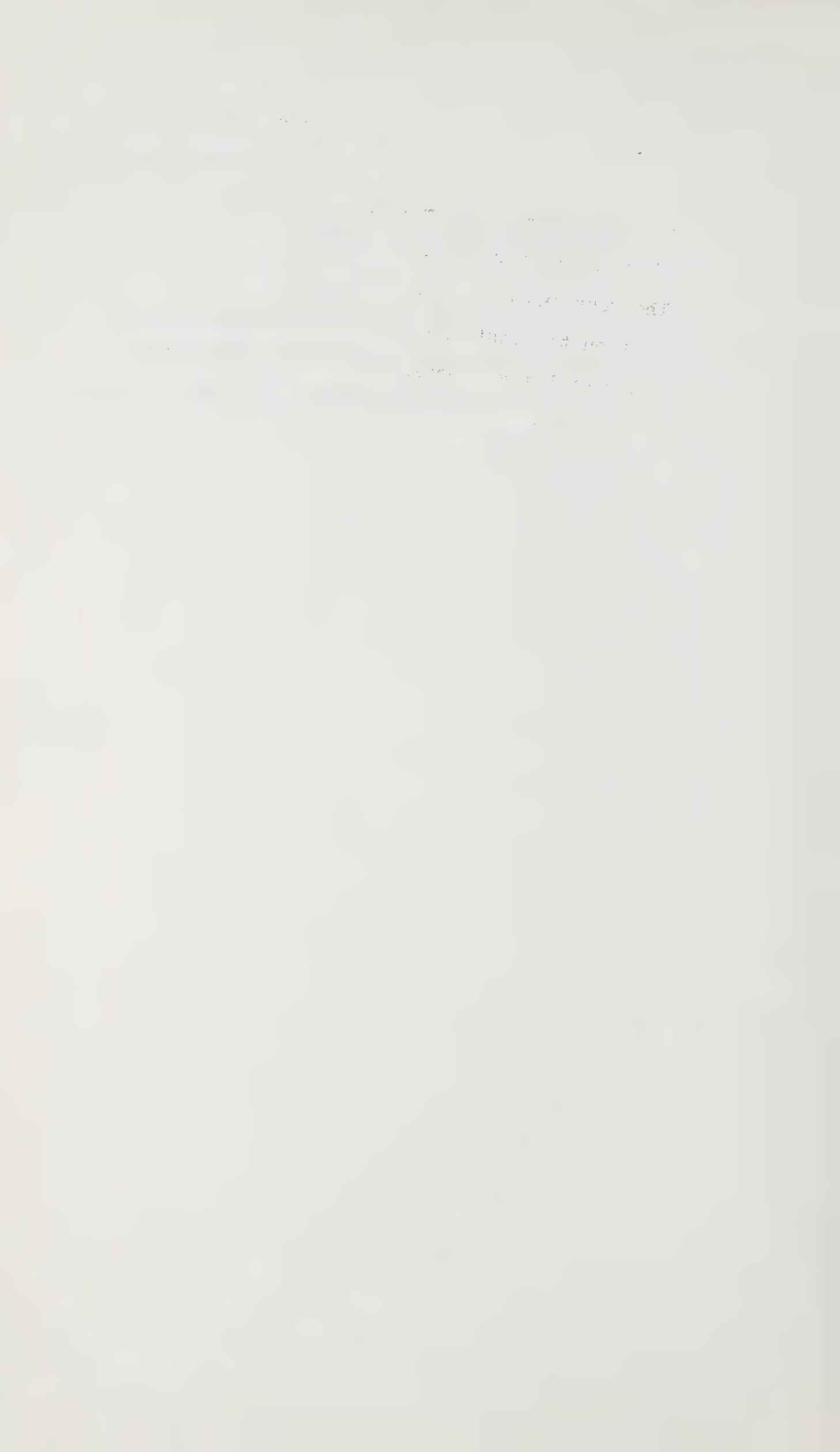
Q Is there any double track on the Shuswap Subdivision?

A There is on both ends. Between Kamloops

and Pritchard, 24.2 miles.

Q That is the west end?

A The west end of the Shuswap Subdivision and then on the east end of the Shuswap Subdivision between Revelstoke and Taft, another 24.2 miles.



George Hobbs

Q Have you or have you not had any experience of a break in two of the train in the double track portions?

A Yes, I have had. I am unable to provide you, Mr. Lewis, with the date. But I have had it happen in the near proximity of mileage 4.3 or 4.4 on the Shuswap subdivision - it is that many miles west of Revelstoke on the double track; I broke in two twice.

Q If that happens to you on double track what flagging duties does that impose on you?

A Rule 151 provides that the track or adjacent tracks must be protected in both directions. That is the eastbound track should be immediately protected in the case of an emergency application of the brakes.

Q When you are going west?

A When I am going west, the eastbound tracks would have to be protected.

Q And at that point if I may Mr.Chairman, one of your head end people would have to flag the front?

A That is right.

Q And one of your rear end people would have to flag the rear, is that right?

A. That is right.

Q What has been your practice with regard to flaggi ahead?

A In that case when the train went into emergency I always asked the fireman to

go flagging because the trainman is more familiar with matters pertaining to the train.

Q Go ahead; you said you sent the fireman out....?

A I sent the fireman out flagging and the head end brakeman would go back to see what was the matter and the tail end man would of course have to live up to the requirements of Rule 99; he would have to go out and flag, and he would protect both tracks.

Q Mr. Hobbs, Mr.Sinclair noted that you referred to Rule 152 that requires the flagging ahead. He has drawn my attention to the fact that you must be referring to Rule 102.

A I am sorry.

Q Just take a look at it and make sure that the members of the Commission have the right rule. The first paragraph of 102 refers to that, does it not?

A That is the rule; I am sorry, I slipped 50 rules.

Q I would like now to spend a few minutes with you on another matter.

THE CHAIRM AN:

We will take recess at this point.

-- Recess

-- After recess

BY MR. LEWIS:

Q I was going to turn, Mr. Hobbs, for a few minutes to some technical point. Have you

or have you not had experience with difficulties regarding the diesel engine making a downward or backward transition?

A Yes. We have experienced considerable trouble - it is not much trouble, but it is trouble, with that item.

Q How have you dealt with it in the past?

A Well, in a multiple unit consist, if it doesn't make a backward transition - if it is the road switcher and it is the lead unit it is quite easily handled from the cab of the engine, but if it is one of the trailing or boosting units it is somewhat different. The method that I think we all have developed is when we see the light flashing - we get familiar with a little white light that starts to flash - the fireman will go back and if it is night time he will have a flashlight and give you a highball, a little flashlight. The engineer will immediately put his throttle into about No.5 position, and when the fireman hears the engine in that unit slow down he will then turn the isolation switch and let that unit return to the idle position. In the meantime the engineer will pull the throttle open to No.8 position again, and at that point the fireman will again snap on the isolation switch, and then the engine will

reload in the parallel series, which is the lower transition --

Q Have you had any trouble with ground relays in your experience?

A I haven't had very much trouble with ground relays. I have had infinitely more trouble with the backward and a few forward transitions - mostly backward transitions.

Q I suppose, if I may put it this way, Mr. Chairman, if you stopped could the engineer go back and perform what you have described the fireman having done in your experience?

A In the transition?

Q Yes.

A Definitely yes. I think as a matter of fact the engineer would not have to go back.

Q What would he do?

A If he had stopped, as you suggested, and then opened the throttle again all the units in that consist would assume the lower transition, when starting up automatically.

Q And why, then, could that not be done?

A Well, the fact that you never have that trouble; it is never necessary, say, to change down a gear electrically, because that is what it amounts to, until you round the foot or are going up a heavy grade. If you stop, and it has been our experience, if you stop on a controlling grade with a four-unit consist, then there is always the danger of pulling the train apart, separating the train, no matter how careful one is, no matter how much care they exercise, nevertheless the necessary effort must be put out by the engines in order to lift that train. In that way, it is not desirable at all to stop. Besides delaying, there is imminent danger of the train parting.

Q Now, have you had any experience with plugged filters, in your experience in running on diesels?

A We have not had as much trouble with plugged filters lately as we did have a couple of winters ago. Nevertheless, plugged filters are still with us. I think there was a witness in here describing some plugged filters before.

Q What have you, in your experience, done in the case of plugged filters?

A Well, there is really no set way. Many

times going through the units and examining them, it is quite difficult, impossible, for you to recognize that there would be a plugged filter. The sight glass will seem to function in the usual manner and the restriction in the fuel line at the filters, sometimes I would say 50 per cent of the time, will not usually show up until the engine has been under load maybe three, four or five minutes. Then, the trouble will start, but the engine has to be under load. It cannot be detected by revving up the engine with the lay shaft lever, which is the throttle. It must be under load and after it is under load a few minutes then it will show up.

Q Who, in your experience, detects whether or not it is a plugged filter?

A The fireman would. He would go back and see the irregularities shown in the load meter of that unit and would detect she was starving for fuel.

Q If he found that was the case, what did he do?

A Generally notified me what was going on and then he did remove the filters, that is the only known cure I know of to get the engine, get work out of the engine, is to remove the filters.

If that is done, your trouble would be cleaned up by the removal of the filters.

Q Have you had any difficulty with a subject that I still don't understand, the reverse current relay?

A Not as much, sir, as any of the two previous things we have spoken of, but still we have them. I know, for instance, myself, I always permit, if I have a passed engineer working as fireman with me, I always let him handle the train some part over the road in order that he may get experience. I think it is valuable to him. It was very valuable to me when I had engineers that were kind enough to do it for me.

I know that twice within the last year, when I went back, I detected the amp. meter was showing a discharge and the first time I went up and reported to the fireman what I had found. He said, well, I will go back and fix it. He went back and fixed it. I informed myself of the proper procedure by asking the fireman, and then the next time I ran into it I just flipped the reverse current relay and it started immediately, just flipped it with my finger.

Q Where is it?

A It is located in the low voltage electrical

cabinet.

Q In the cab?

A Not in this case; it was in the trailing units.

Q Would it be in the cab of the trailing unit?

A It would be mostly in the cab of the lead unit; some of them have it in different places, but it would be accessible on the lead unit. You could see it.

Q You said you did yourself make the adjustment, and you were the engineer, when you had learned from the fireman what the procedure was?

A No, I guess I was a little confusing. At the time I found these items I had vacated my seat as engineer and I had given the controls over to the fireman. I had located them myself by going back and patrolling.

Q I want to turn now to some points on the Mountain differential, the No. 3 issue before the Commission. I want to file several exhibits with regard to that. I think it may both save time and assist the Commission if I am permitted to file a group of five exhibits before starting to discuss them.

As Exhibit 253, I should like, with your permission, to file a table setting out certain times and mileages, headed

"Engineer G. Hobbs".

EXHIBIT No. 253 -- Table of Mountain Subdivision, Engineer G. Hobbs.

MR. LEWIS: Then, as Exhibit 254, sir, I would file a similar table headed "Engineer W.F. Huffman".

EXHIBIT No. 254 -- Table of Mountain Subdivision, Engineer W.F. Huffman.

MR. LEWIS: Then, as Exhibit 255, sir, I would file a similar table with regard to the Shuswap Subdivision, headed "Engineer W. Johnson".

EXHIBIT No. 255 -- Table of Shuswap Subdivision, Engineer W. Johnson.

MR. LEWIS: Then I would file as Exhibit 256, another table regarding the Shuswap Subdivision, headed "Engineer H.L. May".

EXHIBIT No. 256 -- Table of Shuswap Subdivision, Engineer H.L. May.

MR. LEWIS: Finally, as Exhibit 257, I would file an exhibit relating to the Thompson Subdivision, Engineer E.A. Knuff.

EXHIBIT No. 257 -- Table of Thompson Subdivision, Engineer E.A. Knuff.

BY MR. LEWIS:

Q Exhibits 253 and 254 relate to the Mountain Subdivision, that is Field to Revelstoke; is that right?

A That is right.

Q And Exhibit 255 and Exhibit 256 relate to the Shuswap Subdivision, that is Revelstoke to Kamloops?

A That is right.

Q And then Exhibit 257 relates to the Thomson Subdivision, that is from Kamloops --

A To North Bend.

Q Going west?

A Going westward.

Q First, just for the record, upon what material were these five exhibits based?

A On enginemen's trip ticket books which I obtained from the engineers whose names appear on these exhibits.

Q Just to have it clear on the record, do these exhibits record every trip made?

A No. I wished to confine the material to freight and freight only so we could arrive at a comparative figure. I ignored all dead-heading or where the engineer had booked for a passenger train or obtained a passenger train by catching a section. I eliminated

that from the record.

Q From the table?

A From the table. I wanted to confine the information to freight and freight only.

Q Did you put on these tables every freight trip?

A No.

Q Just a moment.

A I am sorry.

Q Did you put on these tables every freight trip recorded in the trip books which you used; did you do that?

A No, I did not. There was a few that I was unable to say that I could read clearly. They were the No. 3 copy of the ticket book and perhaps the carbon was somewhat old and blurred and for that reason I just marked them in the ticket book "Not used" because I might get the wrong figure from it in making up the recap.

Q Finally, do you have these trip books?

A I have them with me here.

MR. LEWIS: If my friend wishes to see them they will be available to him.

MR. SINCLAIR: Do they include any wayfreights?

BY MR. LEWIS:

Q Were there any wayfreights?

A No, there was no wayfreights. These figures are confined to through freight service, through freight pools. Wayfreights in both ends are assigned wayfreights.

Q So this would cover through freight?

A Through freight only. I might say that I did not give you the full information there, I believe. I eliminated a few work train and snow service trips so that they would not appear on the exhibits.

Q Then to summarize, I understand you tried to extract the freight trips only and they are all here except those which you could not read?

A That is correct.

Q Then I want to direct your attention very quickly, Mr. Hobbs, to Exhibits 253 and 254 and ask you to comment with respect to the summaries at the bottom of each of those exhibits?

A The average miles per hour, switch to switch, for Mr. Huffman in Exhibit 254; the average miles per hour switch to switch is 16.04. His time on duty is 10 hours and 28 minutes, and his average running time switch to switch was 7 hours and 44 minutes.

Q I am sure the members of the Commission

will recall this, but I might as well do it at this point if I am permitted to lead. The difference between the hours spent on duty and the hours switch to switch would be the time or the mileage, depending on the calculation, which the engineer would get paid for in initial terminal delay, final terminal delay, preparatory arbitraries and final arbitraries?

A That is right.

Q So that in one case the 10 hours and 28 minutes, dealing with Exhibit 254, would be the time for which he was actually paid, and the 7 hours and 44 minutes would be the time actually spent running from switch to switch?

A That is correct.

Q That he spent in his actual run from switch to switch?

A That is correct.

THE CHAIRMAN: Is there any question of overtime involved here?

BY MR. LEWIS:

Q Do you know whether there was any overtime on any of these?

A I do not think that it would be involved because even if we would go on overtime it would be on the basis of 12 miles per hour, or

whichever is the case. There is no overtime involved.

Q In the Western Agreement the overtime rate of pay is straight time, not time and a half?

A That is correct.

MR. SINCLAIR: The calculation shows that in each case overtime would not arise in any event.

MR. LEWIS: I did not calculate that. You are probably right.

THE CHAIRMAN: I did not hear that.

MR. SINCLAIR: The calculation as to the mileage and the hours would show that there would be no overtime.

MR. LEWIS: I have not made that calculation. However, it would be straight time in any case.

THE CHAIRMAN: The overtime would apply only to the switch to switch?

MR. SINCLAIR: Taking the average, but I notice there is the odd trip, one that took 16 hours. He would have that, but taking the average there would be no overtime involved.

THE CHAIRMAN: The only place that overtime comes in would be the time occupied from switch to switch.

MR. SINCLAIR: You could get excessive terminal delay in some cases, but

from my looking at these tables, the averages would indicate that it would not come into it.

BY MR. LEWIS:

Q With respect to Exhibit 253, you show there the average miles per hour for Engineer G. Hobbs; that is yourself?

A Yes, that is right.

Q The average miles per hour is 16.49. The average total time on duty per trip is 10 hours 13 minutes. The average running time switch to switch is 7 hours and 31 minutes. Mr. Huffman and you, Mr. Hobbs, appear to have been very close in the aver age miles per hour, the average running time switch to switch as well as the average time on duty?

A That is correct.

Q Is that right?

A That is correct.

Q The Mountain Subdivision of course is governed by the Mountain differential?

A That is correct.

Q Perhaps the Commission will recall that. Then if we go to Exhibits 255 and 256, these cover the Shuswap Subdivision and that is covered by the Valley rate?

A The Valley rate.

Q Will you draw the attention of the

Commission to the summaries in those cases?

A In Exhibit 255 --

Q That is Engineer W. Johnson?

A Engineer W. Johnson, average miles per hour switch to switch, 23.67. Average total time on duty, 8 hours. Average running time switch to switch, 5 hours 24 minutes.

In the case of Mr. H.L. May --

Q That is Exhibit 256, which contains a second sheet.

A On the second sheet the average miles per hour switch to switch is 23.88. The average total time on duty, 7 hours and 47 minutes. The average running time switch to switch, 5 hours and 22 minutes.

MR. LEWIS: Again, Mr. Chairman, if I may draw the Commission's attention to the fact that in these two, despite the fact that Exhibit 255 covers 45 trips, and Exhibit 256 covers 66 trips, the average miles per hour switch to switch is quite close, as is the average running time switch to switch.

BY MR. LEWIS:

Q Then Exhibit 257 deals with the Thomson Subdivision, and that again is covered by the Valley rate?

A That is correct.

Q All of it?

A All of it.

Q Would you draw the Commission's attention to the summary at the bottom of that exhibit?

A Average miles per hour switch to switch, 22.67 for Mr. E. A. Knuff. Average total on duty per trip, 8 hours and 28 minutes. Average running time switch to switch, 5 hours and 20 minutes.

MR. LEWIS: May I again, Mr.Chairman-- I am doing this in the hope of finishing with this witness this afternoon -- draw to your attention the fact that the times on the Thomson Subdivision, the miles per hour and the times switch to switch are again very close to those indicated for the Shuswap Subdivision in Exhibits 255 and 256.

THE CHAIRMAN: There is the old quotation, "They speak for themselves."

MR. LEWIS: I should like next to file as Exhibit 258 --

MR. SINCLAIR: I do not know if it has been done, and perhaps it has been, but can my friend indicate the proportion of each of these exhibits that would deal with symbol versus extra, that is symbol freights versus extra on the Mountain, Shuswap and Thomson Subdivisions? Has that been calculated,

what proportion the one is to the other?

MR. LEWIS: I am afraid that it did not occur to me that it would be of assistance either to the Commission or to my friend, but my friend can easily calculate that from the exhibits. At the moment I am afraid I have not made that calculation.

I should like to file as Exhibit 258 a table headed "Passenger trains, times and average miles per hour between selected points." This table gives the time going westward for No. 1 passenger train, which is known as the CANADIAN, and then going eastward for No. 8 passenger train which is known as the DOMINION. At the bottom of this exhibit it is indicated that these times are based on the Canadian Pacific time-table, Folder A, System Folder, April 28, 1957, to October 26, 1957.

EXHIBIT 258 -- Average miles per hour, passenger trains.

MR. LEWIS: Perhaps I can do this just as easily as the witness can and probably in a little less time. You will note that both going west and coming east that there is one portion, Revelstoke to Field and Field to Revelstoke, which is the Mountain differential, and then going west from Revelstoke to

Vancouver or east from Vancouver to Revelstoke you have three subdivisions which are governed by the Valley differential. There is the subdivision from Vancouver to North Bend, which I think is called the Cascade Subdivision.

BY MR. LEWIS:

Q Is that correct?

A That is correct.

MR. LEWIS: Then there is the Thomson Subdivision from North Bend to Kamloops and the Shuswap Subdivision from Kamloops to Revelstoke. The mileages are given in the third column between different points and those mileages are according to the time-table. The hours and minutes are given in the next two columns and the average miles per hour for those passenger trains between the points noted is given in the last column.

BY MR. LEWIS:

Q Perhaps, Mr. Hobbs, just to have it on the record, would you draw the attention of the Commission to the figures which you consider to be significant on this table?

--

--

A Well, in the case of train No. 1, Exhibit 258, you will notice the highest speed is between Ottawa and Montreal. That is 55.7 miles an hour, and the lowest speed on that --

THE CHAIRMAN: That is not the highest.

MR. LEWIS: That is not the highest. The highest actually is from Moose Jaw to Swift Current.

THE WITNESS: I am awfully sorry. I misread it again.

THE CHAIRMAN: No discipline this time.

THE WITNESS: Thank you, sir.

BY MR. LEWIS:

Q 57.6 is from Moose Jaw to Swift Current and then 57.1 from Winnipeg to Brandon.

A We have a division there between Winnipeg and Brandon of 133 miles and a fraction on which the train moves over the road in the time of two hours and 20 minutes, and then we come to Revelstoke and we find with a 125 mile division which is somewhat less but comes under the benefits of the Mountain differential they take two hours longer, two hours and two minutes longer. In other words, putting it this way, a man that is operating or working on a passenger train in that area between Winnipeg and Brandon or, roughly speaking, between Montreal and Ottawa, being paid right from 100 he would

receive almost double the rate per hour as the man operating in the Mountain territory where the Mountain differential is in effect.

Q I must direct your attention to one little point. No. 1 going westward, one of the valley differential distances chosen on Exhibit 258 shows a lower speed per hour than the Mountain differential --

A That is, I would say --

Q If you will let me finish my question so that the record will be complete, the distance between Kamloops and North Bend going westward, your average miles per hour is 27.5, whereas between Field and Revelstoke it is 28.8. Do you know of any explanation for that, if there is one?

A On the Thompson Subdivision No. 1 has to meet four passenger trains which are eastbound and No. 1 being a first-class train in each of these cases will have to take the siding. Eastbound first-class trains are superior by direction and for that reason No. 1 will be allowed time in its scheduled running time to take the siding for the superior trains.

Q Superior by direction?

A Superior by direction.

Q Because they are in the same class. They are first-class trains?

A They are all first-class trains, sir.

THE CHAIRMAN: I notice on Exhibit 258 the Canadian is referred to as No. 1. Did you not in speaking of Golden, Exhibit 237, refer to that as No. 2?

HON.MR. McLAURIN: Going east.

MR. LEWIS: That is the one coming east, sir.

THE CHAIRMAN: Oh, I see.

MR. LEWIS: It is No. 1 going west and No. 2 coming east. Similarly the Dominion is No. 7 going west. Is that right, Mr. Hobbs?

THE WITNESS: Yes.

HON. MR. McLAURIN: Odd numbers going west and even numbers coming east on passenger trains.

THE WITNESS: That is correct.

MR. LEWIS: Finally, I should like with your permission to file two exhibits --

HON. MR. MARTINEAU: Before you do that, Mr. Lewis, why is there such a difference in the speeds of these two trains from Moose Jaw to Swift Current and from Swift Current to Moose Jaw?

THE WITNESS: Well, you are making a comparison, sir, of one train against the other. The Canadian is our crack train. It moves, I imagine, in that territory from Moose Jaw to Swift Current with no stops, no scheduled stops, and the other one services other towns

en route.

BY HON. MR. MARTINEAU:

Q One of the trains is supposed to be faster and the other is less --

A That is it, sir. They are both fast but one is faster than the other, sir.

MR. LEWIS: In a way it is my fault, Mr. Chairman. We picked the fastest going one way and the slower fastest going the other way so you would have both kinds before you.

MR. SINCLAIR: Why did you say you did it?

MR. LEWIS: So the Commission would have both, the fastest and the next fastest. That was the reason. We could have had both of them going east and both going west.

THE CHAIRMAN: Anyway, you are not subject to cross-examination.

MR. SINCLAIR: That is why I wondered why he gave the explanation.

MR. LEWIS: As Exhibit 259 I should like to file a recap of information based on Exhibit 107 filed by Mr. J. A. Fraine.

THE CHAIRMAN: 107?

MR. LEWIS: Based on Exhibit 107.

MR. SINCLAIR: In what proceedings did he appear? He has got the wrong initials, Mr. Chairman. It is J. N.

EXHIBIT NO. 259 -- Recap of information based on Exhibit 107 filed by J. N. Fraine.

MR. LEWIS: As Exhibit No. 260 I should like to file similarly a recapitulation of information based on Exhibit 123 filed by Mr. George Russell.

THE CHAIRMAN: What is that number again?

MR. LEWIS: Based on Exhibit 123, sir. In each case they are the trip report exhibits of the two witnesses.

EXHIBIT NO. 260 -- Recap of information based on Exhibit 123 filed by George Russell.

MR. LEWIS: I think, sir, that these exhibits speak for themselves and the witness cannot add anything. If you will permit me, I should like to say this with regard to them. I appreciate that they may not be entirely comparable with Exhibits 253, 254, 256 and 257 in view of the fact that we have not any precise information as to whether the mileages and the times given by Mr. Fraine and Mr. Russell respectively were mileages and times switch to switch or shop track to shop track, as it were, so there might be some difference there.

I want to make it clear now that I am not presenting them as precisely

comparable but I will argue that they are significant.

BY MR. LEWIS:

Q Mr. Hobbs, by having rushed a little I come to ask you about my final point with respect to the Mountain differential. On the basis of your experience over the Mountain Subdivision and over the Shuswap Subdivision would you have any opinion to express to the Commission as to the justifiability or not of the Mountain differential?

A Well, the average speed per hour on the Mountain Subdivision when compared with the average speeds in Exhibits 260 and 259 -- 259 is 25 miles an hour and 260 is 27.6 miles an hour while the exhibits for the Mountain differential, in my own exhibit, my own experience and Mr. Huffman's it is slightly more than 16 miles an hour.

To put it in a broader comparison, while the prairie basic rate is in effect without any Mountain differential or Valley differential, going over a 100 mile division would be done in slightly less than four hours while the experience where the Mountain rate is in effect is that in that four hours the train would only have proceeded 60 miles. The man on the Mountain Subdivision will be

only little better than half-way home and the man working on the Prairie or where the basic rate is in effect will be almost home. The speeds are much slower.

Q Mr. Hobbs, which subdivision are you working on now?

A At the moment I hold a job in pool freight service on the Mountain Subdivision.

Q And have you worked on the Shuswap?

A Yes, sir.

Q And had you before that worked on the Mountain Subdivision?

A Yes, I spent the greater part of the winter on the Mountain Subdivision.

Q Which winter?

A The past winter, the 1956-57 winter, but like the previous witness here stated that he transferred over to the Shuswap Subdivision, so did I.

Q When did you do that?

A I did that I suppose maybe approximately two weeks before I came to the hearings on the first of March. I think it would be around the 15th of February, sir.

Q Why did you transfer to the Shuswap?

A For the same reason as Mr. Sanders did, because I just had about all I could take of that Mountain after spending the winter on it. I could hold a job on the Shuswap Subdivision and I exercised that prerogative of taking

that job. It meant less money to me but it was a better job.

THE CHAIRMAN: Mr. Lewis, I have some people waiting for me, and I think we will adjourn now.

--- The Commission adjourned at 3.55 p.m. until 10 a.m., Tuesday, June 11, 1957.

BINDING SECT. APR 21 1972